Mowatt
A.S.N. 227/2

LAWS

OF THE

STATE OF NEW-YORK,

COMPRISING THE

CONSTITUTION,

AND THE

ACTS OF THE LEGISLATURE,

SINCE THE REVOLUTION, FROM THE

FIRST TO THE TWENTIETH SESSION, INCLUSIVE.



IN THREE VOLUMES.

VOLUME III.

Quum Leges aliæ ſuper alias accumulatæ, eas de integro retractare, et in Corpus ſanum et habile redigere, ex Uſu ſit. BACON.

Miſera Servitus eſt ubi Juſt eſt vagum aut incognitum. 4 Inſt. 246.

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PREFACE.

THIS third volume compriſes all the Laws of New-York that have been enacted ſince the ſecond volume of my edition was iſſued; the iſſuing of them in numbers or ſeſſions, as they were enacted, has cauſed ſome inaccuracies in the folios, *which the purchaſers will pleaſe to correct with the pen; and ſome in the* ſignatures, *which the binder muſt attend to; adverting to the ſeſſion, number, or dates of Laws, will prevent errors in collating of the ſheets.*

The firſt edition of vol. I. and II. having been diſpoſed of, the ſecond edition of them is put to the preſs, and will be iſſued in all January, on a handſome type and good paper.—The public ſhall be conſtantly ſupplied with the Laws in this convenient form, from the preſs of

Their obedient Servant,

THOMAS GREENLEAF.

P. S. The future ſeſſions will be printed and delivered to ſubſcribers as uſual, the next ſeſſion to be No. I. of Vol IV. at 3s. each.

New-York, Nov. 1797.

PREFACE.

LAWS

OF THE

STATE OF NEW-YORK,

Paſſed at the SIXTEENTH SESSION of the LEGISLATURE, held at the CITY of NEW-YORK.

CHAP. I.

An ACT *to repeal the ſecond Section of the Act, entitled, "An Act for appointing Electors in this State, for the Election of a Preſident and Vice-Preſident of the United States of America."*

Paſſed 19th November, 1792.

WHEREAS by the ſecond ſection of the act, entitled, An act for appointing electors in this ſtate, for the election of a preſident and vice-preſident of the United States of America, it is enacted, That the electors ſhall be taken from the four great diſtricts of this ſtate, as near as may be in the following proportions, that is to ſay; at and after the rate of four from the ſouthern, three from the middle, three from the weſtern, and three from the eaſtern diſtrict, which ſhall continue until another cenſus ſhall be taken under the authority of this ſtate. And whereas, there are only twelve electors to be choſen in this ſtate, ſo that it is impoſſible to take them from the four great diſtricts in the proportions aforeſaid; Therefore,

Be it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly, and it is hereby enacted by the authority of the ſame, That the ſaid ſecond ſection of the ſaid act, ſhall be, and hereby is repealed.

CHAP. II.

An ACT *to enable the Mayor, Recorder and Aldermen of the City of New-York, to order the raiſing Monies by Tax, for the maintenance of the Poor, and for defraying the other contingent Expenſes, ariſing in the City and County of New-York.*

Paſſed 7th December, 1792.

I. BE *it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly,* That the mayor, recorder and aldermen, of the city of New-York, or the major part of them, of whom the mayor or recorder to be one, ſhall be, and hereby are fully authoriſed and empowered, as ſoon as conveniently may be, after the firſt day of May next, to order the raiſing a ſum, not exceeding nine thouſand two hundred pounds, by a tax on the real and perſonal eſtates, of the freeholders and inhabitants within the city and county of New-York, to be applied to the ſupport and maintenance of the poor of the ſaid city and county,

Empowered to raiſe for the poor, 9200l.

the bridewell and the criminals, from time to time, confined in the prison of the said city and county, and to the repairing and maintaining the public roads, regulating and improving the streets, and for paying the other contingent expenses, arising within, and properly chargeable to the said city and county.

Also a further sum of 1000l. for completing certain improvements.

II. *And be it further enacted*, That it shall and may be lawful, for the mayor, recorder and aldermen aforesaid, or the major part of them, of whom the mayor or recorder to be one, as soon as conveniently may be, after the said first day of May next, to order the raising a further sum, not exceeding one thousand pounds, to be assessed, raised and collected in the manner aforesaid, to be applied to completing the improvements at the battery, and about the government house, and making improvements in front of the gaol, alms house and bridewell, in the said city.

Also a further sum of 5800l. for a guard, oil, lamps, &c.

III. *And be it further enacted*, That it shall and may be lawful, for the mayor, recorder and aldermen aforesaid, or the major part of them, of whom the mayor or recorder to be one, as soon as conveniently may be, after the said first day of May next, to order the raising a further sum, not exceeding five thousand eight hundred pounds, by a tax on the estates, real and personal, of the freeholders and inhabitants within the said city, on the south side of a line, beginning at the outlet of the meadows of Anthony Lispenard, into Hudson's River; thence extending to and along the north side of the dwelling house of Nicholas Bayard; thence to and along the north side of the dwelling house of John R. Livingston, Esquire, and thence to and along the north side of the dwelling house of Abraham Cannon, to the east river, to be applied to the payment of so many watchmen, as the mayor, aldermen, and commonalty of the said city, in common council convened, shall, from time to time, think necessary for guarding the said city, and also the purchasing oil, providing lamps, and repairing and attending the lamps, which now are, and from time to time hereafter may be erected within the said city, and for the payment of such other contingent charges of the said city, arising within the limits above mentioned, and properly chargeable thereto, as the mayor, aldermen and commonalty of the said city, in common council convened, shall think necessary, and from time to time direct; which said several sums of money, shall be rated and assessed, according to the estate of each respective person so to be taxed, and be collected in one payment, and paid into the hands of the treasurer or chamberlain of the said city, at such time after the said first day of May next, as the said mayor, recorder and aldermen, or a major part of them, shall direct and appoint, any thing in the second section of the statute, entitled, An act for the more effectual collection of taxes in the city and county of New-York, contained to the contrary notwithstanding.

How to be assessed, collected, &c.

IV. *And be it further enacted*, That it shall and may be lawful for the collectors in the seventh ward of the said city, to retain in their hands the sum of one shilling in the pound, and the collectors in the several other wards, the sum of nine pence in the pound, and no more, for their trouble in collecting and paying to the treasurer or chamberlain of the said city, such sums of money as shall be raised by virtue of this act; and that it shall and may be lawful for the said treasurer or chamberlain to detain in his hands, the sum of two pence in the pound, and no more, for his trouble in receiving and paying the said monies.

CHAP. III.

An ACT *to raise a sum of Money for completing the Court-House and Gaol in Kings County.*

Passed 7th December, 1792.

WHEREAS the judges and supervisors of Kings county, have, by their petition, requested the legislature, to enable them by law, to raise a sum of money for completing of the court-house and gaol of the said county; Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That the supervisors of the several towns in the said county, for the time being, or the major part of them, shall be, and they are hereby authorised and required to direct to be raised and levied on the freeholders and inhabitants of the said county, a sum not exceeding three hundred pounds, for completing the court-house and gaol of the said county, with the additional sum of nine pence in the pound for collecting the same, which said sums shall be raised, levied and collected, in the like manner as the other necessary and contingent charges of the said county are levied and collected.

Supervisors to direct the raising 300l.

II. *And be it further enacted*, That the supervisors of Kings county, or the major part of them, shall meet at the house of James Van Buren, in Flat-Bush in the same county, on the third Tuesday of December, in the present year, for the purpose of directing such sum as they shall order to be raised for the purposes aforesaid, together with the poundage for collecting the same, to be raised and levied, and it is hereby made the duty of the clerk of the supervisors of the county, to notify the said supervisors of such meeting.

Supervisors when and where to meet.

III. *And be it further enacted*, That the sum so to be raised, exclusive of the collectors poundage, shall be collected and paid into the treasury of the said county, on such day or days, as the supervisors of the said county for the time being, or the major part of them, shall direct.

IV. *And be it further enacted*, That it shall and may be lawful for the treasurer of the said county to retain in his hands the sum of three-pence in the pound, for his trouble in receiving and paying out the monies directed to be raised by this act.

V. *And be it further enacted*, That it shall and may be lawful for the treasurer of the said county, to pay to the commissioners, appointed to erect and build the said court-house, from time to time, such part of the monies to be raised and collected in and by virtue of this act, as they shall draw for, to be accounted for in the same manner as the monies directed to be raised in virtue of the act, entitled, An act for building a court-house and gaol in Kings county, passed the tenth of March, one thousand seven hundred and ninety-one, are to be accounted for.

Treasurers duty in paying said monies to the commissioners.

CHAP. IV.

An ACT *to cede the Jurisdiction of certain Lands on Montock-Point, to the United States of America, for the Purposes therein mentioned.*

Passed 18th December, 1792.

WHEREAS by an act of the congress of the United States of America, entitled, An act to erect a light-house on Montock-Point, in the

ſtate of New-York, paſſed the 12th day of April, 1792, it is enacted and declared, That as ſoon as the juriſdiction of ſuch land on Montock-Point, in the ſtate of New-York, as the Preſident of the United States ſhall deem ſufficient and moſt proper for the convenience and accommodation of a light-houſe, ſhall have been ceded to the United States, a light-houſe may be erected thereon. And whereas, it is meet and proper that ſuch ceſſion ſhould be made under certain limitations; Therefore,

Be it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly, and it is hereby enacted by the authority of the ſame, That the juriſdiction in and over all that certain tract of land at Montock-Point, in the county of Suffolk, within this ſtate, and herein after particularly deſcribed, ſhall be, and hereby is ceded to the United States of America, for the purpoſes aforeſaid: Provided nevertheleſs, that ſuch juriſdiction ſo ceded as aforeſaid, ſhall not extend, or be conſtrued to extend, ſo as to impede or prevent the execution of any proceſs at law under the authority of this ſtate, except ſo far forth, as ſuch proceſs may affect any the real or perſonal property of the United States, within the ſaid tract, and that all the lands and tenements within the ſaid tract, ſhall be, and forever hereafter are exonerated and diſcharged from any taxes which may be laid under the authority of the legiſlature of this ſtate, and the tract of land above mentioned, in and over which the juriſdiction is ſo ceded as aforeſaid, is more particularly known by the name of Turtle Hill, and is butted and bounded as follows, to wit: Beginning at the beach and at a rock laying on a hommock at the bottom of the ſaid hill, and runs thence north, eighty-two degrees weſt, eleven chains and fifty-eight links; thence ſouth, five degrees weſt, five chains; thence ſouth, fifteen degrees eaſt, nine chains, to a rock marked *John Champlain*, 1788; thence on the ſame courſe to low water mark; thence north-eaſterly, along low water mark, until the point of beginning bears north, eighty-two degrees weſt; thence to the place of beginning.

Juriſdiction of Montock-Point, ceded to the United States.

CHAP. V.

An ACT *for Electing Repreſentatives for this State, in the Houſe of Repreſentatives of the Congreſs of the United States of America.*

Paſſed 18th December, 1792.

I. BE *it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly,* That for the purpoſe of electing repreſentatives in this ſtate, for the houſe of repreſentatives of the congreſs of the United States of America, this ſtate ſhall be, and hereby is divided into ten election diſtricts, as follows, that is to ſay; The city and county of New-York, ſhall be one diſtrict; and the counties of Suffolk, Queens and Kings, ſhall be one diſtrict; and the counties of Weſtcheſter and Richmond, ſhall be one diſtrict; and the county of Orange and the county of Ulſter, ſhall be one diſtrict; and the county of Dutcheſs, ſhall be one diſtrict; and the county of Columbia, ſhall be one diſtrict; and the counties of Renſſelaer and Clinton, ſhall be one diſtrict; and the city and county of Albany, ſhall be one diſtrict; and the counties of Waſhington and Saratoga, ſhall be one diſtrict; and the counties of Montgomery, Otſego, Tioga, Herkemer and Ontario, ſhall be one diſtrict; and that at every election for repreſentatives

The ſtate divided into ten election diſtricts.

Qualification of perſon who may be electors, or elected.

of the people of this ſtate, in the houſe of repreſentatives of the congreſs of the United States of America, a perſon who ſhall have attained the age of twenty-five years, and who ſhall have been ſeven years a citizen of the United States, and who ſhall then be an inhabitant of this ſtate, ſhall be choſen in each of the ſaid diſtricts, for one of the ſaid repreſentatives, by the inhabitants of ſuch diſtrict, that is to ſay, by ſuch perſons, inhabitants of ſuch diſtrict, as are, or ſhall be qualified to vote for members of the aſſembly of this ſtate, each of whom ſhall be entitled to vote for one perſon as ſuch repreſentative, and the perſon who ſhall have the greateſt number of votes in any diſtrict, ſhall be the repreſentative choſen in ſuch diſtrict; and all ſuch elections ſhall be held and conducted by ſuch perſons, and in the ſame manner as the elections for members of the aſſembly of this ſtate are by law to be held and conducted, and upon cloſing the poll at every ſuch election, both poll books or liſts ſhall, after due examination and correction thereof, be ſigned by the inſpectors then attending, and the clerks who ſhall have kept the ſame reſpectively; and the box containing the ballots ſhall then be opened, and the ballots contained therein, be taken out, and without being opened or inſpected, ſhall, together with both poll books or liſts, be immediately put up under cover, and encloſed and ſealed in ſuch manner as to prevent its being opened without diſcovery, and the inſpectors preſent at cloſing the poll, ſhall put their ſeals and write their names upon the ſame encloſure, and one of the ſaid inſpectors then preſent, to be appointed for that purpoſe by a majority of the inſpectors preſent at cloſing of the poll, ſhall, without delay, and within five days thereafter, deliver the ſame encloſure, ſo ſealed up as aforeſaid, to the ſheriff of the county, who ſhall, upon receiving the ſaid encloſures, without opening or inſpecting the ſame, or any of them, put the ſaid encloſures into a box, which ſhall be well cloſed and ſealed up by him, and he ſhall write his name and the name of his county on the ſaid box, and ſhall, within eighteen days thereafter, either in perſon or by his deputy, deliver the ſaid box, without opening the ſame or the encloſures therein contained, into the office of the ſecretary of this ſtate, where the ſame ſhall be ſafely kept by the ſecretary of this ſtate, or his deputy, unbroken and unopened, until the meeting of the committee, or perſons herein after mentioned and appointed to canvaſs and eſtimate the ballots therein contained, when all the ſaid boxes ſhall be delivered, unbroken and unopened, to them; and for which ſervice, the ſheriffs of the reſpective counties, ſhall be allowed at and after the rate of one ſhilling and ſix-pence per mile, for going to the ſecretary's office, to be computed from the ſheriffs place of abode in each county, to the ſecretary's office, and to be paid on the certificate of the ſecretary by the treaſurer of the ſtate, out of any monies then in his hands not otherwiſe appropriated.

Mode of conducting ſuch elections.

Inſpectors duty on cloſing the poll.

Ballots, by whom and when to be delivered to the ſheriff.

The ſheriff's duty.

The ſecretary's duty.

The ſheriff's mileage, and how paid.

II. *And be it further enacted*, That if the box containing the ballots taken in any county ſhall not be delivered to the ſecretary or his deputy, by the ſheriff of the county in perſon, then the perſon who ſhall deliver the ſaid box to the ſecretary or to his deputy, if he received it from the ſheriff, ſhall on delivery thereof make oath, to be adminiſtered by either of them, that he received the ſaid box from the ſheriff of the county, and that the ſame has not been opened, nor any of the packages therein contained

Perſons not being ſheriffs bringing ballot boxes to the ſecretary's office, to make oath as to the faithful delivery thereof.

In caſe of accidents happening to a deputy, any proper perſon may take charge of the box, & deliver it on oath in-

to the ſecretary's office.

altered ſince he ſo received the ſame: But in caſe the perſon charged with the box by the ſheriff ſhall by ſickneſs or any other unavoidable accident, be prevented from delivering the ſame box at the ſecretary's office, then, and in every ſuch caſe, it ſhall be lawful for any other proper perſon to carry the ſaid box to the ſaid ſecretary's office, and to make an affidavit before the ſecretary or his deputy, ſtating the circumſtances, and how he became poſſeſſed of the box, particularly, and that the ſame box has not been opened, nor any of the packages therein contained altered, ſince he ſo received the ſame. And the ſecretary or his deputy ſhall deliver the ſame box and affidavit to the perſons who may attend to canvaſs the ballots, who ſhall receive and examine the ſame, and if there ſhall be no appearance of the ſaid box having been opened, they ſhall open the ſame, and examine the packages therein contained; and if they appear not to have been opened or altered, then they ſhall open the ſaid packages, and canvaſs and eſtimate the bollots therein contained.

Which box and affidavit are to be delilivered to the canvaſſers.

Who are to open, &c. the ſame, if they find no appearance of fraud.

III. *And be it further enacted*, That the firſt election in this ſtate for ſuch repreſentatives as aforeſaid ſhall begin and be held on the fourth Tueſday of January next; and the next general election for ſuch repreſentatives in this ſtate ſhall begin and be held on the ſecond Tueſday of December, which will be in the year one thouſand ſeven hundred and ninety four; and every ſubſequent general election for ſuch repreſentatives in this ſtate ſhall be held on the ſecond Tueſday of December in every ſecond year thereafter; and from which days the ſame may be reſpectively continued by adjournment, if neceſſary, from day to day, not exceeding five days, until the ſame ſhall reſpectively be completed.

Firſt election and future general elections, when to be held.

Adjournments not to exceed five days.

IV. *And be it further enacted*, That the committee annually to be appointed by virtue of the act entitled, An act for regulating elections, or the major part of them, ſhall, and hereby are authorized and required, to canvaſs and eſtimate the votes to be taken at any election for ſuch repreſentatives, and ſhall on the fourth Tueſday after the commencement of every general election, meet together at the office of the ſecretary of this ſtate, and there on that day, and on ſo many days next ſucceeding thereto (Sundays excepted) as ſhall be neceſſary for that purpoſe, proceed to open the ſaid boxes, one after the other, and the enclo-ſures therein contained reſpectively, and canvaſs and eſtimate the votes therein contained, returned into the office of the ſecretary of this ſtate as aforeſaid; and as ſoon as they ſhall be able to determine upon ſuch canvaſs and eſtimate, who by the greateſt number of votes ſhall have been choſen a member of the houſe of repreſentatives of the Congreſs of the United States of America, in each of the ſaid diſtricts reſpectively, and, within fourteen days next after the firſt day of their meeting as aforeſaid, they ſhall determine the ſame; and thereupon, without delay, make and ſubſcribe, with their own names and hands writing, a certificate of ſuch determination, in a book to be kept for that purpoſe, in the ſaid ſecretary's office, there to remain of record, and without delay deliver, or cauſe to be delivered, a true copy thereof, ſo ſubſcribed as aforeſaid, to each of the perſons ſo elected reſpectively, and another copy, ſo ſub-

Committee of canvaſſers,

Their authority & duty.

As to the time of meeting and canvaſsing.

When they ſhall determine who are choſen---ſubſcribe a certificate thereof---notify the members and houſe of repreſentatives.

ſcribed as aforeſaid, to the houſe of repreſentatives of the Congreſs of the United States of America, at their next meeting.

Vacancies happening between any general elections, how to be filled.

V. *And be it further enacted*, That in caſe of any vacancy or vacancies, by death or otherwiſe, in the ſaid office of repreſentative, between any of the ſaid general elections, the perſon adminiſtring the government of this ſtate for the time being ſhall, by proclamation, give notice thereof, and ſhall in ſuch proclamation ſignify in which of the ſaid diſtricts the perſon or perſons is or are to be elected to fill ſuch vacancy or vacancies, and ſhall alſo appoint a day, not leſs than forty, nor more than ſixty days, from the day of the publication of ſuch proclamation, for holding an election in ſuch diſtrict or diſtricts, to fill ſuch vacancy or vacancies, and cauſe a copy of ſuch proclamation to be delivered to each

The governor to give notice by proclamation, &c. &c.

The ſheriff's duty thereupon.

ſheriff in ſuch diſtrict or diſtricts; and the reſpective ſheriffs ſhall thereupon give notice in writing of ſuch election, to the ſuperviſor or one of the inſpectors of elections of each of the ſeveral towns and wards of ſuch diſtrict or diſtricts in their reſpective bailiwicks, within eight days after receiving ſuch proclamation; and each of the ſaid ſuperviſors and inſpectors ſhall, immediately after receiving ſuch notification, give notice thereof to the town clerk and aſſeſſors, or other inſpectors of elections of the ſame town or ward, and the ſeveral and reſpective ſuperviſors, town clerk and aſſeſſors of each town, or the major part of them, and the inſpectors of elections for each ward, or the major part of them, ſhall without delay convene together, and by writing under their hands, to be affixed up in at leaſt five of the moſt public places in ſuch town or ward, give eight days notice of the time and place or places of holding ſuch election in the ſame town or ward, and ſuch elections ſhall be held and conducted by the ſame perſons, and in the ſame manner as the general election for repreſentatives are herein before directed to be held and conducted; and the poll books or liſts and ballots taken at ſuch election ſhall be diſpoſed of in the ſame manner as the poll books or liſts and ballots taken at the general election for repreſentatives; and the perſon anminiſtring the government of this ſtate for the time being ſhall immediately, upon iſſuing his proclamation as aforeſaid, by ſpecial meſſengers, at the expenſe of this ſtate, cauſe notice to be given in writing to each member of the ſaid canvaſſing committee, and require his attendance at the office of the ſecretary of this ſtate, at a certain day, not leſs than twenty eight days nor more than thirty five days after the day appointed in the ſaid proclamation for holding ſuch election, to canvaſs and eſtimate the votes taken as aforeſaid; and ſuch canvaſs and eſtimate ſhall be made in the ſame manner, and ſuch certificate given as is and are herein before directed upon a general election of repreſentatives.

The duty of the ſupervifors, inſpectors, town clerks, aſſeſſors and others.

Such elections to be held, and ballots, &c. diſpoſed of as at general elections.

Canvaſſing committee, how notified and when to attend at the ſecretary's office.

Their authority.

Place of election, how to be appointed.

VI. *And be it further enacted*, That it ſhall and may be lawful for the inſpectors of any election to be held as aforeſaid, or the major part of them, to hold the poll at ſuch place or places, in any town or city within this ſtate, as may appear to them the moſt convenient for the electors, they having previouſly inſerted, in the notices given of ſuch election, the place or places where, and the times when ſuch elections are to be held.

VII. *And be it further enacted*, That in caſe no ſuch committee ſhall be appointed, or if ſuch committee ſhould not meet as aforeſaid, to canvaſs and eſtimate the votes taken at a general election, or at any election to fill ſuch vacancy or vacancies, then it ſhall be the duty of the ſecretary of this ſtate, for the time being, to give notice thereof to ſuch ſenators as ſhall have been returned at the then laſt election, to ſerve in the ſenate of this ſtate, and require their attendance at the office of the ſecretary of this ſtate at a certain day, not leſs than twenty days, nor more than thirty days after the date of ſuch notice, to canvaſs and eſtimate the votes taken at ſuch election, and ſuch ſenators, or the major part of them, ſhall be and hereby are in ſuch caſes authoriſed and required, to canvaſs and eſtimate the votes taken at ſuch election; and to do, execute and perform, all and every thing and things in and about the premiſes, in the ſame manner as ſuch joint committee might or ought to have done.

When the ſenators laſt returned, ſhall be notified by the ſecretary to attend as canvaſſers.

Their duty the ſame as that of the joint committee.

VIII. *And be it further enacted*, That when a majority of the ſaid joint committee, or a majority of the ſurvivors of them, or the major part of the ſaid ſenators, ſhall meet as aforeſaid, for the purpoſe of canvaſſing and eſtimating the votes taken at any ſuch election, ſuch majority ſhall be, and hereby are authoriſed, empowered and required, to proceed to ſuch canvaſs and eſtimate; and all queſtions which ſhall ariſe upon ſuch canvaſs and eſtimate, or upon any of the proceedings therein, ſhall be determined according to the opinion of the major part of the perſons ſo met, conformable to this act.

All queſtions upon the canvaſs, &c. to be determined by a majority of the canvaſſers met.

IX. *And be it further enacted*, That the ſaid joint committee, and the ſaid ſenators, or ſuch of them as ſhall, at any time, attend to make ſuch canvaſs and eſtimate, ſhall, before they proceed to open any of the boxes delivered as aforeſaid, ſeverally take and ſubſcribe, before the ſecretary of this ſtate or his ſworn deputy, or a maſter in chancery, the following oath, to wit, "I——, one of the joint committee, appointed by the ſenate or aſſembly (as the caſe may be) purſuant to the act entitled, An act for regulating elections;" or, "I——, a member of the ſenate of the ſtate of New-York, do ſolemnly and ſincerely ſwear and declare, that I will, honeſtly and impartially, canvaſs and eſtimate the votes taken at the laſt election, for members, or a member (as the caſe may be) of the houſe of repreſentatives of the congreſs the United States of America, contained in the boxes or box (as the caſe may be) delivered into the office of the ſecretary of this ſtate, and now produced to me by the ſecretary or his deputy (as the caſe may be) and that I will publiſh and declare the perſon who hath the greateſt number of votes, or the reſpective perſons who have the greateſt number of votes, returned into the office of the ſecretary of this ſtate as aforeſaid, in each diſtrict reſpectively (as the caſe may be) to be elected a member or members of the houſe of repreſentatives of the congreſs of the United States of America, and if I ſhall diſcover any of the other perſons appointed a committee with me (or who ſhall attend with me) for the purpoſe aforeſaid, conducting himſelf or themſelves, partially, unduly or corruptly in the premiſes, that I will diſcover the ſame, to the end, that the perſon ſo offending may be brought to juſtice." Which oath ſhall be entered of record, by the ſecretary or his deputy, in the ſame book in which the certificate of the determination upon ſuch canvaſs and eſtimate, is to be entered as aforeſaid.

The canvaſſers oath.

Number of ballots exceeding the number of electors. The exceſs to be drawn out and diſpoſed of.

X. *And be it further enacted*, That if the number of ballots in any encloſure ſhall exceed the number of electors mentioned on the poll liſts contained in the ſame encloſure, then the ſaid committee ſhall draw out, unopened, ſo many of the ſaid ballots as ſhall amount to the exceſs, and ſhall proceed to canvaſs and eſtimate the reſidue. And if two or more ballots or tickets ſhall be found folded or rolled up together, none of the ballots ſo folded up together ſhall be eſtimated, and ſuch exceſs ſhall be ſealed up by the canvaſſers in a paper to be marked *ſurplus ballots*, and where two or more ballots are ſo folded or rolled together, the ſame ſhall alſo be ſealed up in a ſeparate paper, and a proper endorſement made thereon to deſignate the contents, and both papers ſhall, with the other ballots, be returned to their proper boxes, and committed to the cuſtody of the ſecretary.

Two or more ballots folded or rolled up together, how to be diſpoſed of.

Perſons guilty of bribery, corruption, neglect or refuſal of duty, liable to certain pains and penalties.

XI. *And be it further enacted*, That if any perſon ſhall be guilty of bribery or corrupt conduct at any ſuch election, or in any of the duties required of him by this act, or ſhall neglect or refuſe to perform any of the duties required of him by this act, every ſuch perſon, ſo offending, ſhall be liable to the ſame pains and penalties as are impoſed for the like offences in and by the act, entitled, An act for regulating elections, and to be recovered and applied in the manner therein directed.

When officers are not to call out the militia, on pain of forfeiting 200l. How to be recovered and applied.

XII. *And be it further enacted*, That no officer or other perſon ſhall call or order any of the militia of this ſtate, to appear or exerciſe on any day, or at any time, during any ſuch election, or at any time within ten days before the ordinary and eſtabliſhed days of holding ſuch elections (except in caſes of invaſion or inſurrection) on pain of forfeiting the ſum of two hundred pounds, for every ſuch offence, to be recovered by any perſon who will ſue for the ſame, with coſts, the one moiety of ſuch penalty to his own uſe, and the other moiety thereof, to the uſe of the people of the ſtate.

When civil proceſs ſhall not be ſerved on voters.

XIII. *And be it further enacted*, That it ſhall not be lawful for any officer or miniſter of juſtice to ſerve any civil proceſs in any city or town in this ſtate, on any perſon entitled to vote at any ſuch election, between the day preceding ſuch election and the day ſubſequent to the cloſing of the poll at ſuch election, in ſuch city or town.

Continuance of this act until a future cenſus.

XIV. *And be it further enacted*, That this act ſhall continue in force until a future cenſus of the inhabitants of this ſtate ſhall be taken by virtue of the conſtitution of this ſtate, or by any law of the legiſlature thereof, or of the congreſs of the United States of America, and no longer.

CHAP. VI.

An ACT *for the Relief of Cadwallader Colden, and others.*

Paſſed 18th December, 1792.

Claim againſt J. Weatherhead's and J. T. Kempe's forfeited eſtates.

WHEREAS it appears to the legiſlature, that Cadwallader Colden, ſurviving executor of the laſt will and teſtament of Cadwallader Colden, Eſquire, deceaſed, had a claim againſt the forfeited eſtates of John Weatherhead and John Tabor Kempe, which claim was liquidated by the chancellor of this ſtate, at

one thouſand and fifteen pounds, eleven ſhillings and eight-pence, by virtue of the "act for the ſpeedy ſale of the confiſcated and forfeited eſtates within this ſtate, and for other purpoſes therein mentioned," part of which demand the ſaid Cadwallader Colden hath received from his agent in Europe. And whereas, the ſaid Cadwallader Colden hath received eight hundred pounds in part of the ſaid demand, as appeareth by his petition, by reaſon of which, he the ſaid executor could not take the oath preſcribed in and by the ſaid act, to entitle him to receive the balance from the treaſurer of this ſtate; Therefore,

I. *Be it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly*, That the treaſurer of this ſtate, ſhall liquidate the demand of the ſaid Cadwallader Colden, ſurviving executor of the laſt will and teſtament of Cadwallader Colden, Eſquire, deceaſed, according to the directions of the ſaid act, and after deducting from the liquidated amount the ſaid eight hundred pounds, with the intereſt accrued thereon ſubſequent to the receipt thereof by the ſaid executor, to pay the balance to the ſaid executor, or to his legal repreſentative, out of any monies not already appropriated. Provided always, That there ſhall be in the treaſury a ſum equal to ſuch balance, ariſing from the forfeited eſtates of the ſaid John Weatherhead and John Tabor Kempe.

James M'Evers's claim on the forfeited eſtate of William Bayard.

And whereas, James M'Evers, hath ſet forth by his petition, that his father, James M'Evers, late of the city of New-York, merchant, did become bound with William Bayard, formerly of the ſaid city, as his ſurety by bond unto Henry Cuyler of Greenbuſh, in Renſſelaer county, bearing date the fifteenth day of February, in the year of our Lord one thouſand ſeven hundred and ſixty-five, amounting to two thouſand ſix hundred and twenty pounds, with lawful intereſt on the ſame. And whereas, The ſaid James M'Evers, died ſome time in the year one thouſand ſeven hundred and ſixty-eight, leaving a widow and ſeveral orphan children. And whereas, A ſuit has been commenced againſt the heirs and deviſees of the ſaid James M'Evers, and a recovery had in the ſupreme court of this ſtate, in the term of April, in the year of our Lord one thouſand ſeven hundred and ninety-one. And whereas, The ſaid William Bayard, paid the yearly intereſt on the ſaid bond from the execution of the ſame, to the fifteenth day of January, one thouſand ſeven hundred and ſeventy-ſix, and that the ſaid William Bayard, during the late war, between the king of Great-Britain and the United States of America, was convicted of the offence of adhering to the enemies of this ſtate, and his eſtate became thereby forfeited, and the produce thereof depoſited in the treaſury of this ſtate, and the ſaid James M'Evers prays, that the legiſlature will grant relief in the premiſes, by directing the amount remaining due upon the ſaid bond to be paid out of the forfeited eſtate of the ſaid William Bayard; Therefore,

Mode of relief. By application to the chancellor or a ſupreme court judge.

II. *Be it further enacted*, That it ſhall and may be lawful for the ſaid heirs and deviſees of the ſaid James M'Evers, to preſent a petition to the chancellor or one of the judges of the ſupreme court of judicature of this ſtate for the time being, ſtating their claim againſt the eſtate of the ſaid William Bayard, giving the attorney-general of this ſtate at leaſt twenty days previous notice thereof, and delivering to him a copy of ſuch petition with the ſaid notice, in order that he may attend in behalf of the people of this ſtate, and the chancellor or judge to whom ſuch petition ſhall be addreſſed and preſented, ſhall be, and

Who is to examine the claim, and aſcertain what money ought to be paid, if any.

hereby is authoriſed and required to hear and examine the ſaid claim of the ſaid heirs and deviſees, and all matters concerning the ſame, and to determine and aſcertain whether any, and what ſum of money ought to be paid out of the eſtate of the ſaid William Bayard, to indemnify the ſaid heirs and deviſees againſt any ſecurity given by the ſaid James M'Evers for the ſaid William Bayard, or to repay the ſaid heirs and deviſees any money they ſhall have been compelled to pay on account of any ſuch ſecurity, and ſhall make and ſubſcribe a certificate of ſuch determination, directed to the treaſurer of this ſtate, and the ſaid treaſurer is hereby authoriſed and required to pay to the ſaid heirs and deviſees, out of any money then in the treaſury not otherwiſe appropriated, ſuch ſum as ſhall be aſcertained by ſuch certificate to be due or payable to them out of the eſtate of the ſaid William Bayard, taking a receipt for the ſame upon the ſaid certificate; Provided there ſhall be ſo much money then in the treaſury ariſing from the eſtate of the ſaid William Bayard, and if there ſhall not be ſo much, then the treaſurer ſhall pay the amount then remaining in the treaſury, and no more.

Charles M'Evers's claim againſt the forfeited eſtate of Beverly Robinſon.

And whereas, Charles M'Evers, of the city of New-York, merchant, excutor of the laſt will and teſtament of James M'Evers, deceaſed, hath ſet forth, by his petition, that Beverly Robinſon, late of the county of Dutcheſs, was indebted to James M'Evers, in his life-time, in the ſum of four hundred and ſeventy-two pounds ſixteen ſhillings and ſix-pence, lawful money of New-York, and that the ſaid Charles M'Evers, did procure a bond to be executed by the ſaid Beverly Robinſon for the ſaid debt, in the penal ſum of nine hundred and forty-five pounds thirteen ſhillings, and that the ſaid bond is now due and unpaid. And whereas the ſaid Beverly Robinſon was, by an act of the legiſlature of this ſtate, paſſed the ſecond day of October, one thouſand ſeven hundred and ſeventy-nine, convicted and attainted of adhering to the enemies of this ſtate, and all his eſtate forfeited to the people of the ſame. And whereas, The ſaid Charles M'Evers, did commence a ſuit in England againſt the ſaid Beverly Robinſon, who filed a bill in the court of chancery in England, and procured an injunction to ſtay proceedings in the ſaid ſuit.

His reaſon for not applying in the time limited by a former law

And whereas, the ſaid Charles M'Evers, was unable to prove his ſaid debt, and to receive ſatisfaction for the ſame, out of the forfeited eſtate of the ſaid Beberly Robinſon, within the time limited by law, by reaſon the ſaid ſuit was then depending in Great-Britain, and it being required by the ſaid law, that an oath ſhould be taken by the ſaid Charles M'Evers, that he expected no further compenſation for the ſaid debt, than that allowed by law out of the forfeited eſtate of the ſaid Beverly Robinſon, and the ſaid Charles M'Evers humbly prays, that on making due proof of the ſaid debt, he may be paid the amount thereof, out of the proceeds of the forfeited eſtate of the ſaid Beberly Robinſon; Therefore,

Mode of relief.

III. *Be it further enacted*, That it ſhall and may be lawful for the ſaid Charles M'Evers, executor of the ſaid James M'Evers, to preſent a petition to the chancellor, or one of the judges of the ſupreme court of judicature of this ſtate for the time being, ſtating his claim againſt the eſtate of the ſaid Beverly Robinſon, giving the attorney-general of this ſtate, at leaſt twenty days previous notice thereof, and delivering to him a copy of ſuch petition, with the ſaid notice, in order that he may attend in behalf of the people of this ſtate; and the chancellor or judge to

whom ſuch petition ſhall be addreſſed and preſented, ſhall be, and hereby is authoriſed and required to hear and examine the ſaid claim of the ſaid Charles M'Evers, and all matters concerning the ſame, and to determine and to aſcertain whether any and what ſum of money ought to be paid out of the eſtate of the ſaid Beverly Robinſon, and ſhall make and ſubſcribe a certificate of ſuch determination, directed to the treaſurer of this ſtate, and the ſaid treaſurer is hereby authoriſed and required to pay to the ſaid Charles M'Evers, out of any money then in the treaſury, not otherwiſe appropriated, ſuch ſum as ſhall be aſcertained by ſuch certificate to be due, or payable to the ſaid Charles M'Evers, out of the eſtate of the ſaid Beverly Robinſon, taking a receipt for the ſame upon the ſaid certificate: Provided there ſhall be ſo much money in the treaſury, ariſing from the eſtate of the ſaid Beverly Robinſon; and if there ſhall not be money enough to diſcharge the ſame, then the treaſurer ſhall pay the ſum in the treaſury, and no more: Provided always, That the ſaid bond was executed before the ninth day of July, one thouſand ſeven hundred and ſeventy-ſix.

Charles and James M'Evers, to give bonds to the treaſurer to refund.

IV. *And be it further enacted*, That the ſaid Charles M'Evers and James M'Evers, ſhall, previous to their receiving the ſums of money which ſhall be certified to be due to them as aforeſaid, each of them ſeparately enter into bond, with one ſufficient ſurety, to the ſaid treaſurer, to refund to the ſaid treaſurer, or his ſucceſſor in office, a rateable proportion of any ſum or ſums of money, which this ſtate may hereafter be obliged to pay in ſatisfaction of any claim or claims of dower, which may ariſe upon the forfeited eſtates of the ſaid Beverly Robinſon and William Bayard, reſpectively, unleſs there is a ſufficiency in the treaſury to ſatisfy the ſaid dower or dowers, when the recovery as aforeſaid is obtained, comparing the ſum or ſums, ſo received as aforeſaid, with the reſpective balances now in the treaſury of this ſtate, that have ariſen from the forfeited eſtates aforeſaid.

CHAP. VII.

An ACT *further to continue the Treaſurer of this State in Office.*

Paſſed 18th December, 1792.

I. BE *it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly*, That Gerard Bancker ſhall be, and hereby is, continued in office, as treaſurer of this ſtate, until ſixty days after the riſing of the legiſlature at their next meeting after the firſt Monday in July, which will be in the year of our Lord one thouſand ſeven hundred and ninety four.

Oath of office.

II. *And be it further enacted*, That the ſaid Gerard Bancker, if he ſhall take upon him the execution of the ſaid office, ſhall, on or before the firſt day of April next, appear before one of the judges of the ſupreme court of this ſtate, and take the following oath, viz. "I Gerard Bancker, appointed treaſurer of this ſtate, do ſolemnly and ſincerely ſwear and declare, in the preſence of Almighty God, that I will, during my continuance therein, well, faithfully and honeſtly, to the beſt of my knowledge and ability, execute the office of treaſurer of this ſtate, and that I will not, on any occaſion or pretence, apply any money or ſecurities which ſhall or may come to my hands, as belonging to this ſtate, to any private uſes or purpoſes whatſoever; and that when my accounts as treaſurer ſhall be examined in manner directed by law, I will exhibit an account of ſuch monies and ſecurities, under this my oath of office: ſo help me God.

To give bond with ſureties to the ſpeaker.

III. *And be it further enacted,* That the Speaker of the Aſſembly for the time being ſhall take a bond from the above named Gerard Bancker, on or before the firſt day of April next, with not leſs than four ſufficient ſureties to the people of this ſtate, in the ſum of twenty thouſand pounds, lawful money of this ſtate, with a condition that the ſaid Gerard Bancker ſhall and will well, faithfully, and honeſtly execute and perform the duties of the ſaid office; which bond, when ſo taken, ſhall be lodged in the ſecretary's office of this ſtate.

IV. *And be it further enacted,* That if the ſaid Gerard Bancker ſhall, upon the expiration of the time for which by this act he is continued in office, procure and lodge in the office of the ſecretary of this ſtate, a certificate duly executed by the committee to be appointed for the ſettlement of the accounts of the ſaid Gerard Bancker, expreſſing, that his accounts as treaſurer are regularly ſtated and balanced, and alſo that the balance of monies and ſecurities belonging to the ſtate, if any there be, are actually in the treaſury, or depoſited as directed by law, ſuch certificate, when lodged in the office of the ſecretary of the ſtate as aforeſaid, ſhall be to all intents and purpoſes a diſcharge of the bond directed by this act to be given by the treaſurer, with ſureties for the faithful performance of the duties of his office as aforeſaid.

CHAP. VIII.

An ACT *to amend an Act, entitled, "An Act for eſtabliſhing and opening Lock Navigations within this State."*

Paſſed 22d December, 1792.

WHEREAS the preſident and directors of the company incorporated by the name and ſtile of, The preſident, directors, and company of the weſtern inland lock navigation in the ſtate of New-York, and the preſident and directors of the company, incorporated by the name and ſtile of The preſident, directors, and company of the northern inland lock navigation in the ſtate of New-York, have reſpectively, in behalf of the ſtockholders in the ſaid companies, repreſented to the legiſlature, that by reaſon of ſundry of the proviſions, reſtrictions, and limitations contained in the act, entitled, An act for eſtabliſhing and opening lock navigations within this ſtate, paſſed the 30th day of March, 1792, the progreſs of the improvements to the internal navigation, for which the ſaid companies were incorporated, will be greatly retarded, if not entirely arreſted, unleſs further legiſlative interference ſhall be interpoſed: To the end, therefore, that improvements, whoſe object is extenſive benefit to the community, may not be impeded, and to render the advantages which are contemplated to reſult therefrom as mutual, between the citizens at large and the ſaid companies reſpectively, as the nature of the caſe will admit,

I. *Be it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly, and it is hereby enacted by the authority of the ſame,* That it ſhall and may be lawful for the preſident and directors of the ſaid corporation, and their ſucceſſors ſeverally and reſpectively, to conſtruct any and every canal and lock which they may deem neceſſary to make, of any breadth at their option. Provided that every ſuch canal and lock ſhall not be leſs than ten feet broad at the bottom or baſe, nor any lock leſs than ſeventy feet long between the gates thereof; any thing in the ſaid act to the contrary hereof notwithſtanding.

The breadth of the canals.

II. *And be it further enacted by the authority aforeſaid,* That if in the greater part of the time between the firſt day of March and the firſt day of December, in every year, the water in the canals and locks to be conſtructed by the ſaid preſidents and directors, or by their ſucceſſors reſpectively, and the water in the creeks and rivers into or through which veſſels ſhall paſs to and from any ſuch canal or lock, ſhall be of ſuch depth as that veſſels drawing two feet of water, when laden, can paſs through, the incorporations aforeſaid ſhall not ceaſe, become void and forfeited, if in the reſidue of the period aforeſaid there ſhall not be a ſufficiency of water to permit veſſels drawing two feet of water to paſs through ſuch canals, locks, creeks, or rivers, any thing in the ſaid act to the contrary notwithſtanding. And whereas, by the ſeventh ſection of the ſaid act, it is enacted, that the ſaid corporations, previouſly to their reſpectively entering upon any lands with intent to appropriate the ſame, the improvements for which the ſaid incorporations were created, ſhall purchaſe ſuch land, or ſhall cauſe the ſame to be appraiſed in manner directed by the ſaid ſeventh ſection. And whereas, before ſuch appraiſement can be obtained, much injury may be ſuſtained by the ſaid corporations, and the improvements by them intended arreſted to the detriment as well of the community as of the ſaid corporations. For remedy whereof,

The incorporations not to become void on a certain condition reſpecting the depth of water in the canals, &c.

Why the corporations ſhould not be obliged to purchaſe lands previous to their entering upon them, &c.

III. *Be it further enacted by the authority aforeſaid,* That it ſhall and may be lawful to and for each of the ſaid corporations, by its preſident and directors, or by any ſuperintendant, agent, or engineer appointed under the ſeal of the ſaid corporations reſpectively, to enter into and upon all and ſingular any land or lands, whether covered with water or not, which they or either of them may deem neceſſary for the proſecution of the improvements aforeſaid, or whereon or whereby to conſtruct any canal, lock, dyke, embankment, pond, dam, or other work intended or permitted by the ſaid act, and by this act to be ſo conſtructed, and that without the leave and permiſſion of the owner or owners, proprietor or proprietors of ſuch land firſt had and obtained; and having ſo entered, to dig, trench, and uſe the ſaid lands for the purpoſes aforeſaid, together with one hundred feet more of ſuch land on each ſide of any canal, lock, dyke, embankment, pond, dam, or other device relative to the ſaid improvements, and to appropriate the ſame land to ſuch uſes as to the ſaid corporations reſpectively ſhall ſeem proper; any thing in the ſaid act to the contrary hereof in any wiſe notwithſtanding. Provided nevertheleſs, that in every caſe where ſuch entry ſhall be made, and occupancy had as before ſaid on the part of the ſaid corporations, or either of them, other than by and with the conſent of the owner or owners, proprietor or proprietors of ſuch land, it ſhall be and is hereby made the duty of the preſident and directors of the ſaid companies, ſeverally, within forty days next after ſuch entry has been made on the part of either of them, to ſolicit an appraiſement of the property ſo taken, and of the damages ſuſtained by the party or parties from whom the ſame was taken in manner directed by the ſaid ſeventh ſection; and in default of obtaining ſuch writ as in the ſaid ſeventh ſection is directed within the ſaid forty days, the party or parties aggrieved ſhall be entitled to fourfold the amount

Permiſſion to the corporations to proſecute their improvements, without leave from the owners of the lands firſt obtained.

To take and appropriate 100 feet of land on each ſide of the canals, &c.

Appraiſement of property and damages to be ſolicited, by whom, and when.

of the damages ſuſtained by ſuch entry, taking and occupying, to be recovered in any court of record having cognizance thereof, with coſts of ſuit. Provided that the powers hereby granted to the ſaid corporations of making entries into lands ſhall not continue beyond the completion of the ſaid canals, or if not completed in the mean time beyond the period limited by the former act for completing the ſame, ſaving alſo to the proprietors of any lands that ſhall be contained within the one hundred feet aforeſaid, the right of a way or ways to paſs to and from his, her, or their land, as is provided in and by the eighth ſection of the act hereby amended.

And for the further encouragement of the ſaid corporations, to proſecute the objects of their inſtitution,

Permiſſion to the corporations reſpecting the erecting of mills, &c. &c.

IV. *Be it further enacted by the authority aforeſaid,* That it ſhall and may be lawful to and for each of the ſaid corporations, at all times hereafter, and at any place where they ſhall have conſtructed a canal, lock, embankment, dyke, pond, dam, or other improvement, to take and make uſe of the water contained therein, or in either of them, either for mills or any other hydraulic work, which the ſaid corporations reſpectively may erect, or cauſe to be erected, or to let the uſe of ſuch water to any perſon whomſoever, for the uſe of mills or other hydraulic works, or for irrigating any lands, or for ſupplying bleach-grounds, tan-pitts, brick-yards, or to any other purpoſe to which ſuch water is capable of being applied; and the net profits or rents reſulting therefrom, to diſtribute amongſt the ſtockholders, in proportion to their reſpective ſhares, as a free gift from the people of this ſtate, excluſive of, and over and above the per centage which the ſaid companies are, by the ſaid act, permitted to divide, as ariſing from the toll mentioned in the ſaid act. Provided always, That no ſuch uſe ſhall be made of the water running through, or ſtanding in any canal, lock, river or creek, if the canal, lock, creek or river, at the place where ſuch water ſhall be taken therefrom, ſhall by ſuch uſe be rendered incapable of carrying veſſels, drawing two feet of water when laden. And provided further, That the monies which may be laid out or expended by either of the ſaid companies on any ſpecial works which they may erect by virtue of this clauſe, ſhall not be conſidered as any part of the principal ſum expended, on which the ſaid companies are allowed by the act hereby amended, to compute the intereſt which may be taken by them reſpectively.

Monies laid out on ſpecial works not conſidered as any part of the prencipal ſum.

Certain land under the water of the Mohawk river veſted in the weſtern corporation.

V. *And be it further enacted by the authority aforeſaid,* That all the land under the water in the Mohawk river, which may be occupied by the corporation firſt above mentioned, for the purpoſe of conſtructing any canal, lock, dyke, embankment, or dam, for the improvement of the navigation thereof, ſhall be, and hereby is veſted in the ſaid corporation and its ſucceſſors, for and during the exiſtence of the ſaid corporation, and no longer, and for the purpoſes aforeſaid, as a free gift from the people of this ſtate; ſaving and reſerving to the people of this ſtate, the right to all lands under the water not ſo occupied as aforeſaid, to be appropriated as the legiſlature ſhall, from time to time, direct, and that all the lands under the water in Hudſon's river, which may in like manner be occupied by the ſaid corporation laſt mentioned, in the preamble to the firſt ſection of this act, ſhall, in like manner, be veſted in the ſaid corporation and its ſucceſſors, and for the like purpoſes, and under the like ſaving and reſervation as a free gift from the people of this ſtate.

VI. *Provided always, and be it further enacted by the authority aforeſaid,* That no dam or dams ſhall be erected in Hudſon's river, other than where a canal ſhall run from the water raiſed by ſuch dam, to communicate with the water below the water now navigable, or to be rendered navigable by the ſaid company, and ſuch dams ſhall not be higher than is neceſſary for the works with which they are connected, and that nothing in this act ſhall be conſtrued to prevent any perſon or perſons from paſſing over ſuch dam or dams, with rafts of timber, boards, or other lumber, when the water running over ſuch dam or dams, ſhall be of ſufficient depths for the paſſage of ſuch rafts, without injuring the dam or dams, and that without paying any toll for ſuch paſſage: And provided alſo, That in every ſuch dam, acroſs the ſaid river, a flood-gate, ſluice, or other proper device, ſhall be conſtructed to admit the paſſage of fiſh aſcending the ſaid river, and to be conſtantly kept open, except in winter, when, for the greater ſafety of the dam, gate, ſluice, or other device, the ſame may be cloſed. And provided alſo, That in every dam to be erected acroſs the ſaid rivers, Hudſon or Mohawk, a flood-gate, ſluice, or other proper device, ſhall be conſtructed to admit the paſſage of fiſh aſcending the ſaid rivers. And provided alſo, That no net, ſeine, fuyck, or other contrivance for taking fiſh or preventing their aſcending the ſaid rivers, ſhall be uſed or placed by any perſon or perſons whomſoever, within the diſtance of five hundred yards of ſuch ſluice, gate, or other device, as aforeſaid, under the penalty of ten pounds for every ſuch offence, to be recovered with coſts of ſuit, before any juſtice of the peace, by any perſon or perſons who ſhall proſecute for the ſame, one half whereof ſhall be for the uſe of the poor of the town where ſuch offence ſhall be committed, and the other half to and for the uſe of the perſon or perſons who ſhall proſecute for the ſame.

Regulation as to dams in Hudſon's river.

And whereas, by the eleventh ſection of the ſaid act, it is enacted, That the tolls on veſſels paſſing through the ſaid improved navigation, ſhall be computed according to the tonnage of ſuch veſſels, and that the toll on timber, boards, plank and ſcantling, ſhall be eſtimated in proportion to the toll on the tonnage of ſuch veſſels, by means whereof, as much toll may de extracted from veſſels paſſing empty as from thoſe full laden: For remedy whereof,

VII. *Be it further enacted by the anthority aforeſaid,* That it ſhall be optional with each and either of the ſaid corporations reſpectively to make ſuch diſcrimination in the toll to be demanded for empty or for laden veſſels as they ſhall think proper, and that it ſhall be further in their diſcretion reſpectively to eſtimate and eſtabliſh the toll to be taken for paſſing any lock or other improvement, either according to the tonnage of veſſels or rafts paſſing through or by the ſame, or by charging a ſpecific toll on every particular article tranſported through ſuch canal, lock, or other improvement of the ſaid navigation. Provided always, that the aggregate toll on any particular articles ſhall not exceed, upon a ton weight of ſuch articles, the ſum which the ſaid corporations are reſpectively permitted to charge and take by the ſaid eleventh ſection; any thing in the ſaid act to the contrary hereof notwithſtanding.

VIII. *And be it further enacted by the authority aforeſaid,* That the annual election for directors in each of the ſaid corporations reſpectively, in manner preſcribed by the ſaid act, ſhall henceforth be held on the ſecond Tueſday of January in every year, and that the firſt election for directors ſhall be held on the ſecond Tueſday of January next enſuing the paſſing of this act.

IX. *And be it further enacted by the authority aforeſaid,* That no non-uſer or mis-uſer, heretofore omitted, neglected or done, or which may hereafter and before the ſecond Tueſday of January next enſuing the paſſing of this act, be omitted, neglected or done, ſhall operate ſo as to defeat or work an injury to either of the ſaid corporations, any thing in the ſaid act to the contrary notwithſtanding.

The ſtock, &c. deemed perſonal property.

X. *And be it further enacted by the authority aforeſaid,* That the ſtock, intereſt, and ſhares of and in the ſaid ſeveral corporations ſhall be deemed and conſidered as perſonal property, to all intents and purpoſes whatſoever.

CHAP. IX.

An ACT *to erect a Town in Clinton County.*

Paſſed 28th December, 1792.

I. BE *it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly,* That from and after the Monday preceding the firſt Tueſday of April next, all that part of the town of Plattſburgh, and that part of the town of Willſburgh, in the county of Clinton, beginning on the line dividing this ſtate from the ſtate of Vermont, on an eaſt point from the ſouth-eaſt corner of a tract of land granted to John Friſwell, from thence running weſt on the ſouth line of the tract aforeſaid, unto the ſouth-weſt corner thereof; then north, to Plattſburgh patent; then weſt on the ſouth line of the patent aforeſaid, and the ſame courſe weſtward, to the weſt bounds of the county of Clinton; from thence ſoutherly, on the line laſt aforeſaid, until it comes oppoſite to the ſouth line of a grant of three thouſand ſix hundred acres of land, granted to Matthew Adgate; then eaſt, to the ſouth line laſt aforeſaid, and the ſame courſe continued to the line dividing this ſtate from the ſtate of Vermont aforeſaid; then northerly, on the eaſt line of this ſtate, to the place of beginning; ſhall be and hereby is erected into a ſeparate town, by the name of Peru; and that the firſt town meeting in the ſaid town of Peru ſhall be held at the dwelling-houſe of Samuel Jackſon, in the ſaid town.

II. *And be it further enacted,* That all the remaining part of the town of Plattſburgh ſhall continue to be and remain a ſeparate town, by the name of Plattſburgh.

III. *And be it further enacted,* That all the remaining part of the town of Willſburgh ſhall continue to be and remain a ſeparate town, by the name of Willſburgh.

IV. *And be it further enacted,* That the freeholders and inhabitants of the ſaid town of Peru ſhall be and hereby are empowered to hold town meetings, and elect ſuch town officers as the freeholders and inhabitants of any town in this ſtate may do by law; and that the freeholders and inhabitants of the ſaid town of Peru, and the town officers to be by them elected, ſhall have the like powers and privileges, and be ſubject to the like regulations and penalties as the freeholders, inhabitants, and town officers of the other towns in this ſtate, are entitled and ſubject to by law.

V. *And be it further enacted,* That as ſoon as may be after the firſt Tueſday of April next, the ſuperviſors and overſeers of the poor of the towns aforeſaid, ſhall, by notice to be given for that purpoſe, by the ſuperviſors of the towns aforeſaid, meet together and apportion the poor maintained by the ſaid towns previous to the diviſion thereof, between the ſaid former

towns and the town erected into a ſeparate town, in an equitable manner. And if the ſupervisors and overſeers of the poor cannot agree upon ſuch diviſion of the poor as aforeſaid, then, in ſuch caſe, the ſupervisors of the county of Clinton ſhall, at their next meeting, apportion and divide the poor, maintained as aforeſaid, in ſuch manner as ſhall appear to them moſt juſt and equitable; and the ſaid towns thereafter reſpectively ſhall maintain their own poor.

CHAP. X.

An ACT *to alter the Boundary Line between Stephen-Town and Peterſburgh, in the County of Renſſelaer.*

Paſſed 4th January, 1793.

WHEREAS it hath been repreſented to the legiſlature, that the diviſion line of the aforeſaid towns has been found inconvenient to ſome of the inhabitants reſiding in Stephen-Town: Therefore,

I. *Be it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly*, That all that part of Stephen-Town to the north of the following boundary, to wit, beginning on the line that divides the aforeſaid town, at the eaſt line of Abel Lewis's farm, and to extend thence along the ſummit of a certain mountain in the north part of Stephen-Town, and the range of that ſummit continued eaſterly, to the eaſt boundary of this ſtate, ſhall be, and hereby is annexed to, and ſhall hereafter be conſidered part of, the town of Peterſburgh; any thing in the act for dividing the towns therein mentioned, paſſed the eighteenth day of March, one thouſand ſeven hundred and ninety one, to the contrary notwithſtanding.

II. *And be it further enacted*, That it ſhall and may be lawful for the collectors of taxes in the ſaid town of Stephen-Town to collect all arrears of taxes already laid in the ſaid town, of and from the ſeveral and reſpective inhabitants that are annexed by this act to the town of Peterſburgh, in the ſame manner as they could have done, if this act had not been paſſed.

CHAP. XI.

An ACT *for building a Court-Houſe and Gaol in the County of Renſſelaer.*

Paſſed 11th January, 1793.

I. BE *it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly*, That the ſupervisors of the ſeveral towns in the county of Renſſelaer, for the time being, or the major part of them, ſhall be, and they are hereby authoriſed and required, to direct to be raiſed, and levied on the freeholders and inhabitants of the ſaid county, the ſum of ſix hundred pounds, for the purpoſe of building a court-houſe and gaol in the ſaid county, with the additional ſum of one ſhilling in the pound for collecting the ſame; which ſums ſhall be raiſed, levied, and collected, in the ſame manner as the other neceſſary and contingent charges of the ſaid county are levied and collected.

II. *And be it further enacted*, That the ſupervisors of the county aforeſaid, ſhall, at their meeting on the laſt Tueſday of May next, quota the ſaid ſum of ſix hundred pounds, together with the ſaid ſum of one ſhilling in the pound for collecting the ſame among the ſeveral towns in the county aforeſaid.

III. *And be it further enacted*, That the ſaid ſum of ſix hundred pounds ſhall be paid into the treaſury of the ſaid county, on or before the firſt day of October next.

IV. *And be it further enacted*, That Cornelius Lanſing, Jacob C. Schermerhorn, Abraham Ten Eyck, Mahlon Taylor, and Jacob D. Vanderheyden, ſhall be the commiſſioners to ſuperintend the building of the ſaid court-houſe and gaol; and that the ſaid commiſſioners, or the major part of them, ſhall and may contract with workmen, and purchaſe materials for the erecting the ſame, and ſhall from time to time draw upon the treaſurer of the ſaid county for the money for the purpoſe aforeſaid, that ſhall come into the treaſury by virtue of this act; and the treaſurer is hereby required to pay to the order of the ſaid commiſſioners, or the major part of them, the ſeveral ſums of money to be by them drawn for, for the purpoſe aforeſaid; and it is hereby made the duty of the ſaid commiſſioners, to account with the ſupervifors of the ſaid county for the money which they ſhall have ſo received, when they ſhall be thereunto required.

V. *And be it further enacted*, That it ſhall and may be lawful for the treaſurer to retain in his hands the ſum of three pence in the pound for his trouble in receiving and paying out the money to be raiſed and paid by virtue of this act.

VI. *And be it further enacted*, That the court-houſe and gaol ſo to be built, ſhall be erected and built within ſixty rods of the dwelling-houſe of Stephen Aſhley, in the village of Troy, in the town of Troy, in the ſaid county.

VII. *And be it further enacted*, That the aforeſaid commiſſioners, or the major part of them, are hereby authoriſed and required to determine and fix upon ſome ſuitable place for erecting and building the aforeſaid court-houſe and gaol, within ſixty rods of the dwelling-houſe of Stephen Aſhley, aforeſaid. And whereas it appears to the legiſlature, that Jacob D. Vanderheyden and others, inhabitants of the village of Troy, in the town aforeſaid, have promiſed and agreed to pay the ſum of one thouſand pounds, for erecting and building a court-houſe and gaol, in the ſaid county of Renſſelaer, to ſuch commiſſioners as ſhould be by law appointed to build and erect the ſame; Therefore,

VIII. *Be it further enacted*, That the ſaid ſum of one thouſand pounds ſhall be, and is hereby made payable to the treaſurer of the ſaid county, for the time being, for the purpoſes aforeſaid, and which ſum is hereby made payable to the ſaid commiſſioners, and they ſhall be accountable for the ſame, in like manner as the other monies in and by this act directed to be raiſed.

CHAP. XII.

An ACT *to explain the Act, entitled, "An Act for raiſing Money for building a Court-houſe and Gaol in Waſhington County."*

Paſſed 14th January, 1793.

WHEREAS by the act, entitled, An act for raiſing money for building a court-houſe and gaol, in Waſhington county; the ſupervifors of the ſeveral towns in the ſaid county, were authoriſed to direct to be raiſed and levied on the freeholders and inhabitants of the ſaid county, a ſum not exceeding nine hundred pounds, and that the ſaid ſupervifors, at their meeting in May laſt, ſhould determine on the quota which each reſpective

town, in the ſaid county, ſhould pay of the ſaid ſum, and that the one half part thereof, ſhould be paid into the treaſury of the ſaid county, on or before the firſt Tueſday in November laſt, and the other half part thereof, on or before the firſt Tueſday in November next. And whereas it hath been repreſented to the legiſlature, that the ſuperviſors aforeſaid, at their laſt May meeting, did quota the one half part of the nine hundred pounds only, that being the ſum to be levied and collected for that year, and doubts having ariſen, whether by the above mentioned act, the ſuperviſors of the ſaid county are authoriſed to direct to be raiſed and levied the remaining half part, at their next May meeting: For remedy whereof,

Be it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly, and it is hereby enacted by the authority of the ſame, That it ſhall and may be lawful for the ſaid ſuperviſors, of the county of Waſhington, and they are hereby authoriſed, to direct to be raiſed and levied, on the freeholders and inhabitants of the ſaid county, the remaining half part of the ſum of nine hundred pounds, with the additional ſum of one ſhilling in the pound, for collecting the ſame, in the manner directed by the ſaid act.

Directions to the ſuperviſors.

CHAP. XIII.

An ACT *relative to the Gaol and the Courts of Common Pleas and General Seſſions of the Peace, in the County of Tioga, and the Place of holding Town Meetings in Richfield, in the County of Otſego.*

Paſſed 14th January, 1793.

WHEREAS ſome of the inhabitants of the county of Tioga, have erected a building for a gaol, at New-Town Point, in the town of Chemung, in the ſaid county; Therefore,

I. *Be it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly,* That from and after the paſſing of this act, the ſaid building ſhall be deemed the gaol of the ſaid county, until other legiſlative proviſion ſhall be made in the premiſes.

II. *And be it further enacted,* That the courts of common pleas and general ſeſſions of the peace, for the ſaid county of Tioga, ſhall, from and after the firſt day of April next, be held on the firſt Tueſdays in May, October and February in every year, and ſhall be held alternately, at the houſe of Joſhua Whitney, Eſquire, at Chenango, in the town of Union, and at the ſaid building, now erecting for a gaol at New-Town Point, in the town of Chemung, and may continue and be held until the ſeveral Saturdays following, incluſive; and that the court of common pleas and general ſeſſions of the peace, to be held in and for the ſaid county of Tioga, on the fourth Tueſday of January next, ſhall, at the end of the term, be adjourned to the firſt Tueſday of May next, to be held at the ſaid building now erecting for a gaol at New-Town Point, aforeſaid. And whereas, in and by the ſixth ſection of an act, entitled, An act for dividing the towns therein mentioned, paſſed the tenth day of April, one thouſand ſeven hundred and ninety-two, the firſt town-meeting of the town of Richfield, in the county of Otſego, is directed to be held at the houſe of John Van Cliff, which is now repreſented to the legiſlature to have been a miſtake, no ſuch perſon reſiding within the ſaid town; Therefore,

III. *Be it further enacted,* That the firſt town-meeting, in the ſaid town of Richfield, ſhall be held at the houſe now occupied by Obediah Beardſley, any law to the contrary, in any wiſe notwithſtanding.

CHAP. XIV.

An ACT *for preſcribing the Times, Places and Manner of holding Elections for Senators to repreſent this State, in the Senate of the Congreſs of the United States of America.* Paſſed 14th January, 1793.

I. BE *it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly, and it is hereby enacted by the authority of the ſame,* That the ſenators to be choſen in this ſtate, to repreſent this ſtate, in the ſenate of the congreſs of the United States of America, ſhall always be choſen in the ſame manner that delegates to repreſent this ſtate, in the general congreſs of the United States of America, are directed to be appointed by the conſtitution of this ſtate; and whenever any ſenator or ſenators to repreſent this ſtate, in the ſenate of the congreſs of the United States of America, ſhall be choſen as aforeſaid, in this ſtate, copies of the reſolutions of the ſenate and aſſembly of this ſtate, teſtifying ſuch choice, ſigned by the preſident of the ſenate and the ſpeaker of the aſſembly of this ſtate, for the time being, ſhall be thereupon delivered to the perſon or perſons, ſo choſen a ſenator or ſenators, to repreſent this ſtate, in the ſenate of the congreſs of the United States of America, as aforeſaid, as evidence of ſuch election.

II. *And be it further enacted by the authority aforeſaid,* That on the fourth Tueſday of January next, before the expiration of the time for which any ſenator is, or ſhall be choſen to repreſent this ſtate, in the ſenate of the congreſs of the United States of America, if the ſenate and aſſembly of this ſtate, be then in ſeſſion, and if not, then within ten days after a quorum of both houſes ſhall be aſſembled, at the then next meeting of the legiſlature of this ſtate, an election ſhall be held in the manner aforeſaid, at the place where the ſenate and aſſembly ſhall be then ſitting, for a ſenator to repreſent this ſtate, in the ſenate of the congreſs of the United States of America, in the room of ſuch ſenator, ſo going out of office. And whenever the ſeat of any ſenator choſen to repreſent this ſtate, in the ſenate of the congreſs of the United States of America, ſhall become vacant before the expiration of the time for which he is or ſhall be choſen, another ſenator ſhall be choſen in his room, and in the manner aforeſaid, within ten days after the legiſlature of this ſtate ſhall have notice of ſuch vacancy at the place where they ſhall be then ſitting.

III. *And be it further enacted by the authority aforeſaid,* That this act ſhall continue and be in force until forty days after the firſt meeting of the legiſlature, after the firſt day of January, which will be in the year of our Lord one thouſand eight hundred.

CHAP. XV.

An ACT *to aſcertain and ſettle the Limits and Boundaries, between the Patent of Kayaderoſſeres and the Half-Moon Patent, and to bind the Title of the reſpective Claimants.* Paſſed 19th January, 1793.

WHEREAS a controverſy has ſubſiſted between the proprietors of a tract of land, in the county of Saratoga, known by the name of the patent of Kayaderoſſeres, and the proprietors of a tract of land originally granted to Anthony Van Schaick, commonly called the Half-Moon Patent, reſpecting the bounds of the ſaid reſpective patents. And whereas the ſaid controverſy impedes the cultivation of the county, and cannot be finally determined in the uſual courſe of law without a number of ſuits, which from the circumſtances of the caſe, would require to be tried by foreign juries, with

much inconvenience to the public and expenſe to the parties. And whereas the proprietors of the ſaid patents reſpectively, are numerous, and ſome of them infants, and others under coverture, which renders it impracticable to make any determination of the ſaid controverſy binding upon all the parties intereſted, without the aid of the legiſlature. And whereas the agents for the proprietors of the ſaid reſpective patents, did agree that they would unite in an application to the legiſlature, for an act appointing commiſſioners finally to determine and aſcertain the boundary lines between the ſaid reſpective patents; and that Egbert Benſon, of the county of Dutcheſs, Samuel Jones, of the city of New-York, Jeſſe Woodhull, of the county of Orange, Cornelius C. Schoonmaker, of the county of Ulſter, and Peter Cantine, of the county of Dutcheſs, be the commiſſioners for that purpoſe. And whereas the ſaid agents have made ſuch joint application, by their petition to the legiſlature, with which it appears reaſonable to comply; Therefore,

I *Be it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly*, That it ſhall and may be lawful for the ſaid Egbert Benſon, Samuel Jones, Jeſſe Woodhull, Cornelius C. Schoonmaker and Peter Cantine, or any three of them, to hear and examine the ſaid controverſy, and finally by writing, under the hands and ſeals of them, or any three of them, to fix, aſcertain and determine the boundary line or lines, between the ſaid reſpective patents, which determination ſhall be final and concluſive, as to all rights, titles and intereſts, derived under the letters patent, whereby the ſaid lands, called Kayaderoſſeres, and the ſaid lands, called the Half-Moon, were reſpectively granted to the original proprietors of the ſaid lands, and ſhall, to all intents, conſtructions and purpoſes whatſoever, abſolutely veſt the right, title, property and intereſt of ſuch lands as ſhall be ſo determined, to lie within the ſaid patent, called the Half-Moon Patent, in ſuch perſon and perſons, and with ſuch eſtate and eſtates, as the ſame would be veſted in and held by, if the ſame had been undoubtedly included in the letters patent, granted as aforeſaid, to the ſaid Anthony Van Schaick, and in like manner, ſhall, to all intents, conſtructions and purpoſes whatſoever, abſolutely veſt the right, title, property and intereſt of ſuch lands as ſhall be ſo determined to lie within the ſaid patent, called Kayaderoſſeres, in ſuch perſon and perſons, and with ſuch eſtate and eſtates, as the ſame would be veſted in and held by, if the ſame had been undoubtedly included in the ſaid patent, called Kayaderoſſeres, and not within the ſaid patent to Anthony Van Schaick, ſo that all and every perſon or perſons, any thing having or claiming in the ſaid land, by virtue of the ſaid patent, to Anthony Van Schaick, ſhall be utterly barred and excluded from having or claiming any eſtate, right, title or intereſt, in ſuch of the ſaid lands, as ſhall be ſo as aforeſaid determined to be within the bounds of the ſaid patent, called Kayaderoſſeres; and all and every perſon and perſons, any thing having or claiming in the ſaid lands, by virtue of the ſaid patent, called Kayaderoſſeres, ſhall be utterly barred and excluded from having or claiming any eſtate, right, title or intereſt, in ſuch of the ſaid lands, as ſhall be ſo as aforeſaid, determined to lie within the bounds of the ſaid patent, to Anthony Van Schaick. Provided always, That nothing herein contained, ſhall be deemed, conſtrued or extended, to affect the eſtate, right, title or intereſt, of the people of this ſtate, or of any perſon or perſons, or body politic or corporate, not deriving title by, from or under either of the ſaid reſpective patents, any thing herein contained to the contrary thereof, in any wiſe notwithſtanding.

The commiſſioners duty in fixing the bounds, and their determination concluſive.

II. *And be it further enacted*, That each of the said commissioners shall, before he executes any of the duties prescribed in and by this act, take the following oath, before one of the justices of the supreme court of this state, to wit: "I do hereby solemnly swear, that I will well and truly execute the trust reposed in me, in and by the act, entitled, An act for settling the line or lines of division between the patent of Kayaderosseres, and the patent commonly called the Half-Moon Patent, to the best of my knowledge and ability. So help me GOD."

III. *And be it further enacted*, That the said commissioners, before the making of their said determination, shall take a view of the premises in question.

IV. *And be it further enacted*, That the said commissioners, or any three of them, shall be, and are hereby empowered and required, to summon any person or persons to appear before them, when and as often as the said parties, or either of them, shall think necessary to be examined, and give evidence touching the matters in controversy, and to bring with them all such books, deeds, papers, or other written evidence, as the said parties, or either of them, shall, from time to time, think proper; and the said commissioners, or any one of them, are hereby authorised and empowered to administer an oath or affirmation to the witnesses to be examined before them, to declare the truth, touching the matter in question; and if any person or persons, being summoned by writing, subscribed by any one or more of the said commissioners, and duly served on such person or persons, at least eight days before the time required by such summons, for his, her or their attendance, shall refuse or neglect to give such attendance, or to be examined upon oath as aforesaid, or to bring or produce such written evidence as shall be required by the said summons, every such person, so refusing or neglecting, shall forfeit and pay for every such refusal or neglect, the sum of one hundred pounds, to be recovered in any court of record, having cognizance thereof, by action of debt, to be brought in the name of the person or persons, at whose instance such witness was summoned. Provided always, That no such forfeiture shall be incured, unless a tender shall have been made, at the time of serving such summons, to the person so refusing or neglecting as aforesaid, of a reasonable compensation for his attendance. And provided also, That no person shall be compelled to give any evidence other than such as he would be bound to give upon a trial at common law.

V. *And be it further enacted*, That if any person shall wilfully and knowingly give false evidence before the said commissioners, or any three of them, touching the said controversy, he or she shall, upon conviction thereof, suffer the pains and penalties inflicted by law for wilful and corrupt perjury.

What shall be evidence of the commissioners determination in all courts.

VI. *And be it further enacted*, That the determination of the said commissioners, or any three of them, as aforesaid, being duly acknowledged or proved in the like form as deeds are by law to be acknowledged or proved, may be entered of record in the secretary's office, of the state of New-York; and the same, or the record thereof, or an exemplification or true copy of such record, shall be good evidence of such determination in all courts, both of law and equity.

VII. *And be it further enacted*, That the same determination shall be made within one year from the passing of this act.

Expenses by whom and where to be paid.

VIII. *And be it further enacted*, That all the expenses, costs and charges, which shall arise and accrue in fixing and ascertaining the said boundary line or lines between the said

reſpective patents, as herein before is mentioned, or for or by reaſon of any other matter or thing reſpecting the execution of the truſts or power herein before ſpecified (excepting fees to council for advice or aſſiſtance upon the hearing of the ſaid controverſy or otherwiſe) ſhall be equally paid and borne by the ſaid parties; that is to ſay, the one equal half part thereof by the proprietors of the eighth allotment in the patent of Kayaderoſſeres, and the other equal moiety or half part, by the proprietors of the Half-Moon Patent; which ſaid coſts, charges and expenſes, ſhall be aſcertained by a cerificate of the ſaid commiſſioners, or any three of them; and if any of the ſaid proprietors of the ſaid allotments in the ſaid patent of Kayaderoſſeres, ſhall neglect or refuſe to pay his, her, or their proportion of the ſaid expenſes, within one month after the determination of the ſaid commiſſioners, or any three of them, ſhall have been made, it ſhall be lawful for the ſaid commiſſioners, or any three of them, to ſell, grant and convey, ſo much of the lands belonging to the ſaid perſon or perſons, ſo refuſing or neglecting as aforeſaid, in whatſoever part of the ſaid patent of Kayaderoſſeres, they ſhall think expedient, as may be ſufficient to defray his, her, or their proportion of the ſaid expenſes, with intereſt for the ſame, from the end of the ſaid month; and in like manner, if any of the proprietors of the ſaid Half-Moon Patent, intereſted in the ſaid controverſy, ſhall refuſe or neglect to pay his, her, or their proportion of the ſaid expenſes (to be aſſeſſed by the ſaid commiſſioners, or any three of them) for or within one month after the ſaid determination of the ſaid commiſſioners, or any three of them, ſhall have been made, it ſhall be lawful for the ſaid commiſſioners, or any three of them, to ſell, grant, and convey ſo much of the lands of the perſon or perſons, ſo refuſing or neglecting, as aforeſaid, in whatever part of the ſaid Half-Moon Patent, they ſhall think expedient, as may be ſufficient to defray his, her, or their proportion of the ſaid expenſes, with like intereſt as aforeſaid, and the charges of ſale; and the deeds of the ſaid commiſſioners, or any three of them, for ſuch land, ſo ſold, ſhall be valid and effectual in the law, to all intents and purpoſes, againſt the ſaid perſon and perſons, ſo refuſing and neglecting, and his, her, and their heirs, and all others claiming, or to claim by, from, or under him, her, or them, or any of them, at any time hereafter.

Proprietors lands, when to be ſold for their ſhare of the expenſes.

CHAP. XVI.

An ACT *for ſettling the Line or Lines of Diviſion between the Town of Schenectady and the Patent of Kayaderoſſeres.*

Paſſed 19th January, 1793.

WHEREAS a controverſy has for a long time ſubſiſted between the truſtees of the town of Schenectady, in the county of Albany, and the proprietors of a tract of land adjoining thereto, and known by the name of the patent of Kayaderoſſeres, reſpecting the bounds of the ſaid town and patent. And whereas the ſaid controverſy impedes the cultivation of the country, and cannot be finally determined in the uſual courſe of law, without a number of ſuits, which, from the circumſtances of the caſe, would require to be tried by foreign juries, with much inconvenience to the public, and expenſe to the parties. And whereas the proprietors of the ſaid patent of Kayaderoſſeres, are numerous, and ſome of them infants, and others under coverture, which renders it impracticable to make any determination of the ſaid controverſy, binding upon all the parties intereſted without the aid of the

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egiſlature. And whereas the agents, for the truſtees of the ſaid town, to wit, ſaac Vrooman, Abraham Fonda, Abraham Wempel, Hermanus Bradt, Nicholas Veeder, and Gerrit S. Veeder, junior, and Daniel Campbell, Dirck Lefferts, James I. Beekman, Nicholas Low, and Samuel B. Webb, agents for he proprietors of the ſaid patent of Kayaderoſſeres, did, by articles, bearing late the eighteenth day of October laſt paſt, agree, that they would unite in n application to the legiſlature, for an act appointing commiſſioners finally o determine and aſcertain the boundary lines between the ſaid town and patent; and that Zephaniah Platt, James Kent and Peter Cantine, of the county of Dutcheſs, and John Cantine and Cornelius C. Schoonmaker, of he county of Ulſter, be the commiſſioners for that purpoſe. And whereas he ſaid agents have, purſuant to the ſaid articles, made ſuch joint application by their petition to the legiſlature, with which it appears reaſonable to comply; Therefore,

I. *Be it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly*, That it ſhall and may may be lawful for the ſaid Zephaniah Platt, James Kent, Peter Cantine, John Cantine and Cornelius C. Schoonmaker, or any three of them, to hear and examine the ſaid controverſy, and finally, by writing under the hands and ſeals of them, or any three of them, to fix, aſcertain and determine the boundary line or lines, between the ſaid town and patent, which determination ſhall be final and concluſive, as to all rights, titles and intereſt, derived under the letters patent, whereby the ſaid town of Schenectady, and lands called Kayaderoſſeres, were reſpectively granted to the original truſtees of the ſaid town, and proprietors of the ſaid lands; and ſhall, to all intents, conſtructions and purpoſes whatſoever, abſolutely veſt the right, title, property and intereſt of ſuch lands, as ſhall be ſo determined to be within the ſaid town, in ſuch perſon and perſons, and with ſuch eſtate and eſtates, as the ſame would be veſted in and held by, if the ſame had been undoubtedly included in the letters patent, whereby the ſaid town was ſo as aforeſaid granted, and in like manner, ſhall, to all intents, conſtructions and purpoſes whatſoever, abſolutely veſt the right, title, property and intereſt of ſuch lands, as ſhall be ſo determined to lie within the ſaid patent of Kayaderoſſeres, in ſuch perſon and perſons, and with ſuch eſtate and eſtates as the ſame would be veſted in and held by, if the ſame had been undoubtedly included in the ſaid patent of Kayaderoſſeres, and not within the ſaid town of Schenectady, ſo that all and every perſon and perſons, any thing having or claiming in the ſaid lands, by virtue of the ſaid patent of Kayaderoſſeres, ſhall be utterly barred and excluded from having or claiming any eſtate, right, title or intereſt, in ſuch of the ſaid lands as ſhall be ſo as aforeſaid determined to lie within the bounds of the town of Schenectady, and all and every perſon and perſons having or claiming any thing in the ſaid lands by virtue of any patent to any perſons as truſtees for the inhabitants of the ſaid town, ſhall be utterly barred and excluded from having or claiming any eſtate, right, title or intereſt, in ſuch of the ſaid lands, as ſhall be ſo as aforeſaid determined to be within the bounds of the ſaid patent of Kayaderoſſeres. Provided always, That nothing herein contained, ſhall be deemed, conſtrued or extended to affect the eſtate, right, title or intereſt of the people of this ſtate, or of any perſon or perſons, or body corporate or politic, not deriving title by from, or under any patent to the truſtees of the ſaid town of Schenectady, or by, from or under the ſaid patent of Kayaderoſſeres, any thing herein contained, to the contrary thereof in any wiſe notwithſtanding.

Commiſſioners duty in fixing the boundary. Their determination concluſive.

II. *And be it further enacted*, That each of the ſaid commiſſioners ſhall, before he executes any of the duties preſcribed in and by this act, take the following oath, before one of the juſtices of the ſupreme court of judicature of this ſtate, to wit: "I do hereby ſolemnly ſwear, that I will, well and truly execute the truſt repoſed in me, in and by an act, entitled, An act for ſettling the line or lines of diviſion, between the town of Schenectady and the patent of Kayaderoſſeres, to the beſt of my knowledge and ability. So help me GOD."

III. *And be it further enacted*, That the ſaid commiſſioners, or any three of them, ſhall be, and are hereby empowered to ſummon any perſon or perſons, to appear before them, when and as often as they ſhall think neceſſary, to be examined and give evidence, touching the matters in controverſy, and to bring with them all ſuch books, deeds, papers or other written evidence, as the ſaid commiſſioners, or any three of them, ſhall, from time to time think proper for the execution of the truſt hereby repoſed in them: And the ſaid commiſſioners, or any one of them, are hereby authoriſed and empowered to adminiſter an oath or affirmation to the witneſſes to be examined before them, to declare the truth, touching the matters in queſtion; and if any perſon or perſons, being ſummoned by writing, ſubſcribed by any one or more of the ſaid commiſſioners, and duly ſerved on ſuch perſon or perſons, at leaſt eight days before the time required by ſuch ſummons for his, her or their attendance, ſhall refuſe or neglect to give ſuch attendance, or to be examined upon oath as aforeſaid, or to bring or produce ſuch written evidence as ſhall be required by the ſaid commiſſioners, or any three of them, every ſuch perſon, ſo refuſing or neglecting, ſhall forfeit for every ſuch refuſal or neglect, the ſum of one hundred pounds, to be recovered in any court of record, having cognizance thereof, by action of debt, to be brought in the name of the perſon or perſons, at whoſe inſtance ſuch witneſs was ſummoned. Provided always, That no ſuch forfeiture ſhall be incurred, unleſs a tender ſhall have been made at the time of ſerving ſuch ſummons to the perſon, ſo refuſing or neglecting as aforeſaid, of a reaſonable compenſation for his attendance. And provided alſo, That no perſon ſhall be compelled to give any evidence, other than ſuch as he would be bound to give upon a trial at common law.

Witneſſes, if delinquent to forfeit 100l.

IV. *And be it further enacted*, That if any perſon ſhall wilfully and knowingly give falſe evidence before the ſaid commiſſioners, or any three of them, touching the ſaid controverſy, he or ſhe ſhall, upon conviction thereof, ſuffer the pains and penalties inflicted by law for wilful and corrupt perjury.

Falſe witneſſes, how puniſhed.

V. *And be it further enacted*, That the determination of the ſaid commiſſioners, or any three of them as aforeſaid, being duly acknowledged, or proved in the like form as deeds are by law to be acknowledged or proved, may be entered of record in the ſecretary's office, of the ſtate of New-York; and the ſame, or the record thereof, or an exemplification, or true copy of ſuch record, ſhall be good evidence of ſuch determination in all courts, both of law and equity.

What ſhall be good evidence of the commiſſioners determination.

VI. *And be it further enacted*, That the ſaid determination ſhall be made within one year from the paſſing of this act.

VII. *And be it further enacted*, That all the expenſes, coſts and charges which ſhall ariſe or accrue, in fixing and aſcertaining the ſaid boundary line or lines, between the ſaid

Expenſes, by whom and when to be paid.

town of Schenectady and patent of Kayaderoſſeres, as herein before mentioned, or for or by reaſon of any other matter or thing, reſpecting the execution of the truſt or powers herein before ſpecified, except fees to counſel, or advice, or aſſiſtance upon the hearing of the ſaid controverſy, or otherwiſe, ſhall be equally paid and borne by the ſaid parties, that is to ſay, the one equal moiety or half part thereof, by the truſtees of the ſaid town of Schenectady, and the other equal moiety or half part thereof, by the proprietors of the patent of Kayaderoſſeres, in proportion to their intereſts in the third and fourth general allotments of that patent; and if any of the ſaid proprietors of the ſaid allotments, ſhall neglect or refuſe to pay his, her or their proportion of the ſaid expenſes, within one month after the determination of the ſaid commiſſioners, or any three of them ſhall have been made, it ſhall be lawful for the ſaid commiſſioners, or any three of them, to ſell ſo much of the lands belonging to the ſaid perſon or perſons, ſo refuſing or neglecting as aforeſaid, in whatever part of the patent they ſhall think expedient, as may be ſufficient to defray his, her or their proportion of the ſaid expenſes, with intereſt for the ſame, from the end of the ſaid month, and the charges of ſale; and the deed of the ſaid commiſſioners, or any three of them, for ſuch land ſo ſold, ſhall be valid and effectual in the law, to all intents and purpoſes, againſt the ſaid perſon and perſons, ſo refuſing or neglecting, and his, her and their heirs, and all others claiming or to claim, by, from or under him, her or them, or any of them, at any time hereafter.

Proprietors lands, when to be ſold for their ſhare of the expenſes.

CHAP. XVII.

An ACT *to divide the Towns of Jerico and Union, in the County of Tioga.*

Paſſed 19th of January, 1793.

I. BE *it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly*, That all that part of the town of Jerico, lying eaſt of Chenango river, and that part of the town of Union, weſt of the ſaid river, bounded northerly, by the north bounds to the ſaid county; eaſterly, on the river Unadilla; ſoutherly, on the north bounds of a tract of land, called Fayette, and the ſouth bounds of townſhips, number fourteen and thirteen, being two of the twenty townſhips, and weſterly, on the weſt bounds of the townſhips, number twelve and thirteen, be, and hereby is erected into a ſeparate town, by the name of Norwich; and that the firſt town-meeting in the ſaid town, ſhall be held at the dwelling houſe of John Harris, in the ſaid town.

II. *And be it further enacted*, That all that tract of land, lying and being in the ſaid towns of Jerico and Union, bounded northerly on the above deſcribed townſhip; weſterly, on the eaſt bounds of a tract of land, purchaſed by William S. Smith, called the Chenango Triangle; ſoutherly, on the ſouth bounds of the townſhip of Fayette, and eaſterly on the Unadilla, be, and hereby is erected into a ſeparate town, by the name of Oxford, and that the firſt town-meeting in the ſaid town, ſhall be held at the dwelling houſe of Benjamin Hovey, in the ſaid town.

III. *And be it further enacted*, That all the remaining part of the town of Jerico, be and remain a ſeparate and diſtinct town, by the name of Jerico.

IV. *And be it further enacted*, That all the remaining part of the town of Union, ſhall be and remain a diſtinct town, by the name of Union.

V. *And be it further enacted,* That the before mentioned towns, ſhall be conſidered as divided, from and after the Monday next preceding the firſt Tueſday in April next, and that the freeholders and inhabitants of the ſaid towns reſpectively, ſhall be, and are hereby empowered to hold town-meetings and elect ſuch town officers, as the freeholders and inhabitants of any town in this ſtate may do by law; and that the freeholders and inhabitants of the ſaid towns of Norwich and Oxford, and the town officers to be by them elected, ſhall reſpectively have the like powers and privileges, and be ſubject to the like regulations and penalties, as the freeholders, inhabitants and town officers of the other towns in this ſtate, are entitled and ſubject to by law.

VI. *And be it further enacted,* That as ſoon as may be, after the firſt Tueſday of April next, the ſupervifors and overſeers of the poor of the towns aforeſaid, ſhall, by notice to be given for that purpoſe, by the ſupervifors of the towns aforeſaid, meet together and apportion the poor maintained by the ſaid towns, previous to the diviſion thereof, between the ſaid former towns and the towns erected into ſeparate towns, in an equitable manner; and if the ſupervifors and overſeers of the poor, cannot agree upon ſuch diviſion of the poor as aforeſaid, then and in ſuch caſe, the ſupervifors of the county, ſhall, at their next meeting, apportion and divide the poor maintained as aforeſaid, in ſuch manner as ſhall appear to them, or a majority of them, moſt juſt and equitable, and the ſaid towns ſhall thereafter reſpectively maintain their own poor.

CHAP. XVIII.

An ACT *directing the Paving Water-Vliet Street, in the County of Albany.*

Paſſed 19th January, 1793.

I. BE *it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly, and it is hereby enacted by the authority of the ſame,* That Stephen Van Renſſalear, Lucas Van Veghten, Jacob J. Lanſing, Robert Kinnear and David Blakely, or any three of them, be, and they hereby are appointed commiſſioners, with full power and authority, from time to time, and in ſuch manner as they ſhall judge moſt conducive to public convenience, to order and direct the pitching, levelling, forming and paving the road or ſtreet, known by the name of Water-Vliet Street, in the town of Water-Vliet, in the county of Albany, leading from the north bounds of the city of Albany, to the ſouth ſide of the kill or creek, commonly called Water-Vliet, in the town aforeſaid, and that for the better effecting the ſame, the ſaid commiſſioners, ſhall, and may cauſe an eſtimate or eſtimates of the expenſe to be incured in the premiſes, and a juſt and equitable aſſeſſment thereof to be made among the owners or occupants of all the houſes and lots intended to be benefited by this regulation, in proportion, as nearly as may be, to the advantage they ſhall be deemed reſpectively to acquire thereby; and in order that the ſame may be impartially performed, the ſaid commiſſioners ſhall, from time to time, appoint five ſufficient and diſintereſted freeholders for every ſuch purpoſe, who ſhall, before they enter upon the execution of their truſt, be duly ſworn, before any juſtice of the peace of the ſaid county, to make the ſaid eſtimate or aſſeſſment, fairly and impartially, according to the beſt of their ſkill and judgment, and a certificate in writing, of ſuch eſtimate and aſſeſſment being returned to the ſaid commiſſioners, and ratified by them, ſhall be binding and concluſive upon the owners and occupants of ſuch houſes and lots ſo to be aſſeſſed reſpectively; and ſuch owners and occu-

pants respectively, shall, thereupon become and be liable and chargeable, and they are hereby required upon demand, to pay to such person or persons as shall be authorised by the commissioners, by their order for that purpose, to be made in writing, to receive the same; and in default of payment thereof, it shall and may be lawful to and for the said commissioners, by warrant under their hands and seals, to cause said sum or sums of money, so assessed, to be levied by distress and sale of the goods and chattels of the owner or occupant of such house or lot so assessed, and refusing or neglecting to pay the same, rendering the overplus, if any there be, after deducting the sum assessed, and the charges of distress and sale, to such owner or occupant, or his or her legal representative. Provided, That it shall be lawful to and for the said commissioners, to direct and establish certain rates, at which any labour performed, or materials furnished by any such owner or occupant, for and towards the compleating of such pavement, shall be credited on the said assessment.

II. *And be it further enacted by the authority aforesaid,* That nothing in the preceding clause contained, shall be construed to affect any contract or agreement that hath been or shall be made, between any landlord and tenant, respecting the payment of any such charges or repairs, but that they shall be answerable to each other in like manner as if this act had never been made; and that in case any money, so from time to time to be assessed, for the services aforesaid, shall be paid by any person, when by agreement, or by law, the same ought to have been borne by some other person, that then it shall and may be lawful to and for the person, so paying the same, and he shall be, and hereby is empowered and authorised to sue for and recover the same, with interest and costs of suit, in any court, having lawful cognizance thereof, as so much money paid for the use of the person for whom or for whose use the same shall have been paid.

III. *And be it further enacted by the authority aforesaid,* That if upon the completion of the pitching, levelling, forming and paving of the above-mentioned street or road, it shall appear to the said commissioners, that a greater sum of money has been bona fide expended in compleating the same, than the sum mentioned in the estimate, so made as aforesaid, and actually collected, it shall and may be lawful, to and for the said commissioners, to cause a further assessment to be made, of the sum which such bona fide expenditures shall exceed the sum so estimated and collected as aforesaid, upon and among the owners or occupants of all the houses and lots, before assessed as aforesaid, and to cause the same to be collected, in the like manner as herein before directed: And that in case the sum actually expended, shall be less than the sum expressed in such estimate, and actually collected as aforesaid, the surplus shall be forthwith rendered to the respective persons, from whom the same were so collected and received as aforesaid, or his or her legal representative.

CHAP. XIX.

An ACT *for the Relief of Henry K. Van Rensselaer.*

Passed 19th January, 1793.

I. BE *it enacted by the people of the state of New-York, represented in senate and assembly,* That it shall and may be lawful for the treasurer of this state, and he is hereby required, on making a settlement with Henry K. Van Rensselaer, to give him credit for the amount of such certificates as shall appear to the said treasurer to have been delivered, or payments to have been

made by the ſaid Henry K. Van Renſſelaer, or his agents, to the regiment of militia, under his command in the late war, upon his producing receipts or affidavits, to the ſatisfaction of the treaſurer, of ſuch delivery or payment.

II. *And be it further enacted*, That the ſaid treaſurer ſhall, and he is hereby required to ſtay further proceedings againſt the ſaid Henry K. Van Renſſelaer, for the term of ſix months, after the judgment againſt him ſhall have been duly enrolled, ſigned and docketed. Provided nevertheleſs, That the ſaid treaſurer, ſhall not pay to Stephen Randall and others, officers and ſoldiers of the regiment late under the command of the ſaid Henry K. Van Renſſelaer, the ſeveral ſums of money directed to be paid to them, in and by an act, entitled, An act to authoriſe the treaſurer of this ſtate, to pay to ſundry perſons, the ſeveral ſums of money therein mentioned, paſſed the ſixth day of April laſt, until after the expiration of ſix months from the paſſing of this act.

CHAP. XX.

An ACT *for raiſing a ſum of Money, for the Court-Houſe and Gaol, Built in the County of Herkemer, and for authoriſing the Sheriff of the ſaid County, to remove his Priſoners to, and confine them in the ſaid Gaol.*

Paſſed 19th January, 1793.

WHEREAS the freeholders and inhabitants of the county of Herkemer, have, by their petition, requeſted the legiſlature, to paſs a law to enable the ſupervisors of the ſaid county, to raiſe and levy on the freeholders and inhabitants of the ſaid county, the ſum of one thouſand pounds, for the purpoſe of defraying the expenſe which has already accrued, in building a court-houſe and gaol, in the aforeſaid county; Therefore,

I. *Be it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly*, That the ſupervisors of the ſeveral towns, in the ſaid county of Herkemer, for the time being, or the major part of them, ſhall be, and they hereby are authoriſed and required, to direct to be raiſed and levied on the freeholders and inhabitants of the ſaid county of Herkemer, the ſum of one thouſand pounds, with the additional ſum of nine pence in the pound, for collecting the ſame; which ſaid ſums ſhall be raiſed, levied and collected, as the other neceſſary and contingent charges of the ſaid county, are levied and collected.

Supervisors to direct the raiſing of 1000l, &c. in Herkemer county.

II. *And be further enacted*, That the ſupervisors of the county of Herkemer, or the major part of them, ſhall meet at the dwelling houſe of Nicholas Haldridge, in the ſaid county, on the laſt Tueſday in May, one thouſand ſeven hundred and ninety three, for the purpoſe of directing the ſaid ſum of one thouſand pounds, together with the poundage for collecting the ſame, to be raiſed and levied; and it is hereby made the duty of the clerk of the ſupervisors of the ſaid county, to notify the ſaid ſupervisors of ſuch meeting.

III. *And be it further enacted*, That the ſaid ſum of one thouſand pounds, ſhall be collected and paid into the treaſury of the ſaid county, in manner following, that is to ſay, ſix hundred pounds thereof, on or before the firſt Monday of September next, and the remaining part on or before the firſt Monday of January next.

Manner of paying ſaid 1000l. into the county treaſury.

IV. *And be it further enacted*, That it ſhall be the duty of the treaſurer of the ſaid county, and he is hereby required, out of the monies aforeſaid, to pay to the order of the commiſſioners who ſuperintended the building of the ſaid court-houſe and gaol, the ſums of money by them drawn for; and it ſhall be

the duty of the aforesaid commissioners, to account with the supervisors of the said county, for the monies which they shall so receive when thereunto required.

V. *And be it further enacted*, That it shall and may be lawful for the treasurer of the said county, to retain in his hands, the sum of three pence in the pound, for his trouble in receiving and paying out the monies directed to be raised by this act.

VI. *And be it further enacted*, That until further legislative provision be made in the premises, the courts of common pleas and general sessions of the peace for the said county, hereafter to be held, shall be held alternately in the aforesaid court-house, and at such place in White's Town as shall, by the said courts be directed, by orders to be entered in the minutes of the same courts respectively.

VII. *And be it further enacted*, That the court-house and gaol, lately erected in the said county of Herkemer, shall be the court-house and gaol of the said county.

Prisoners to be removed from the gaol of Montgomery to the gaol of Herkemer, by the sheriff of Herkemer.

VIII. *And be it further enacted*, That the sheriff of Herkemer, shall, on or before the first Monday in March next, remove all prisoners, whether by process directed to the sheriff of Herkemer, or by any court of justice in the same county, from the gaol of Montgomery, to the gaol lately erected in the county of Herkemer, and there keep them, and each of them in safe custody, until they are respectively discharged, by due course of law.

Sheriff of Herkemer not liable to actions of escape for such removal.

IX. *And be it further enacted*, That the sheriff of the county of Herkemer, shall not be liable to any action or actions of escape, or other action at law, for removal of the said prisoners, or either of them; and that if any action, bill, plaint, suit or information, shall be commenced or prosecuted against the said sheriff, for removing the said prisoners, or either of them, in pursuance of this act, it shall be lawful for such sheriff to plead the general issue, and to give this act and the special matter in evidence; and if the plaintiff or prosecutor, in any such action, bill, plaint, suit or information, shall become non-suit or discontinue, or cease to prosecute the same, or if a verdict or judgment be given against him or her, the defendant shall recover double costs, for which he shall have like remedy as in other cases where costs are given by law to the defendant.

X. *And be it further enacted*, That in case any prisoner or prisoners shall escape from the custody of the sheriff of the said county of Herkemer, during the time of his or her removal, and the sheriff shall not re-take such prisoner or prisoners, and confine him or them in the gaol, to which he or she ought to have been removed by virtue of this act, within sixty days next after such escape made, the said sheriff shall be liable to all actions for such escape or escapes.

XI. *And be it further enacted*, That the gaol of the county of Montgomery, shall not, after the removal of the prisoners as aforesaid, be deemed the gaol of Herkemer.

CHAP. XXI.

An ACT *for raising a Sum of Money in Arrear from the late Manor of Cortlandt, in the County of Westchester, to Abigail Yeamans, Executrix of the last Will and Testament of William Yeamans, deceased.*

Passed 26th January, 1793.

WHEREAS by the petition of the said Abigail Yeamans, and several papers and documents accompanying the same, it appears to the le-

giſlature, that the ſum of thirty-two pounds, eleven ſhillings and three-pence, was due from the ſaid late manor of Cortlandt, in the ſaid county of Weſtchester, to the ſaid William Yeamans, in his life time, for keeping and ſupporting John Putney, deceaſed, a pauper, belonging to the ſaid late manor, and committed to the care and keeping of the ſaid William Yeamans, by the overſeers of the poor of the ſame manor, and for the funeral expenſes of the ſaid John Putney, and that the ſaid ſum is ſtill in arrear and due to the ſaid Abigail Yeamans, as executrix as aforeſaid. And whereas, no proviſion by law is made for raiſing the ſaid ſum, and it being juſt and reaſonable that a law ſhould be paſſed for that purpoſe; Therefore,

Be it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly, That it ſhall and may be lawful for the ſupervisors of the ſaid county of Weſtcheſter, for the time being, or a majority of them, to apportion the ſaid ſum of thirty-two pounds eleven ſhillings and three-pence, amongſt the ſeveral towns and parts of towns, which did compoſe the ſaid late manor of Cortlandt, in ſuch manner as they ſhall deem juſt and equitable, and by their warrant direct the ſum they ſhall apportion to each reſpective town and part of town, which did compoſe the ſaid late manor of Cortlandt, to be levied and collected in the ſame reſpectively, in like manner as the contingent charges of the county ſhall be levied and collected; which money, when collected, ſhall be paid to the ſaid Abigail Yeamans, as executrix as aforeſaid.

CHAP. XXII.

An ACT *for the Inſpection of Soal Leather, in the City of Hudſon.*

Paſſed 26th January, 1793.

I. BE *it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly*, That the mayor, recorder, aldermen and commonalty of the city of Hudſon, in common council convened, ſhall be, and hereby are authoriſed and directed to appoint, from time to time, and as often as vacancies by death, reſignation of office, or otherwiſe ſhall happen, one fit perſon to inſpect and weigh all ſoal leather, that ſhall be manufactured within the ſaid city of Hudſon, or imported or brought into the ſaid city, from any place whatſoever, from and after the firſt day of March next, other than ſuch as ſhall have been inſpected in the cities of New-York or Albany, which ſaid inſpector ſhall take and ſubſcribe the following oath, before the mayor or recorder of the city of Hudſon, before he ſhall be deemed qualified for, or proceed to the execution of the duties enjoined upon him by virtue of this act, "I ——, do ſolemnly ſwear, that I will well, faithfully and impartially, according to the beſt of my ſkill and underſtanding, execute, do and perform the office and duty of an inſpector and examiner of ſoal leather, and will not, directly or indirectly, by myſelf or any perſon or perſons under me, or for my benefit or advantage, buy or ſell any ſoal leather, during the time that I ſhall continue an inſpector of the ſame (except for the uſe of my own family) according to the true intent and meaning of an act, entitled, An act for the inſpection of ſoal leather, in the city of Hudſon." So help me GOD.

Penalty on diſpoſing of, or uſing ſoal leather uninſpected, &c.

II. *And be it further enacted*, That from and after the firſt day of March next, no ſoal leather whatſoever, other than ſuch as ſhall have been inſpected in the cities of New-York or Albany, as aforeſaid, ſhall be ſold, diſpoſed of, or uſed for any purpoſe or purpoſes whatſoever, within the ſaid city of Hudſon, until the ſame

ſhall have been inſpected, ſealed, and weighed by the inſpector to be for that purpoſe appointed by virtue of this act, under the penalty of forty ſhillings for every ſuch offence, to be ſued for and recovered by an action of debt, with coſts of ſuit, in a ſummary way, by any perſon or perſons who will ſue and proſecute for the ſame, before the mayor, recorder, or any alderman of the city of Hudſon, to be levied by proceſs, to be directed to the marſhal, or any of the conſtables of the ſaid city, commanding him or them, or either of them, to levy the ſame by diſtreſs and ſale of the offender's goods and chattels, one moiety whereof, when ſo recovered, to be paid to the chamberlain of the city of Hudſon, to be applied at the diſcretion of the mayor, aldermen, and commonalty of the ſaid city, to the uſe of the poor thereof, and the other moiety to the uſe of ſuch perſon or perſons who ſhall proſecute for the ſame.

III. *And be it further enacted*, That there ſhall be paid to the inſpector, for inſpecting, ſealing, and weighing every ſide of ſoal leather, the ſum of four-pence, one half to be paid by the ſeller thereof, and the other half by the purchaſer.

Inſpector, how to ſeal and mark ſoal leather.

IV. *And be it further enacted*, That the inſpector ſhall, and is hereby required to provide himſelf with proper ſeals for the purpoſe aforeſaid, and to impreſs on every ſide of ſoal leather, which ſhall be deemed dry, good and merchantable, his own name, and the word *Hudſon*, at full length, and alſo the weight thereof; and if any perſon or perſons, ſhall preſume to counterfeit ſuch mark or marks to be made by ſuch inſpector, by making any impreſſion or mark on any ſoal leather, ſuch perſon or perſons, ſo offending, ſhall forfeit and pay for every ſuch offence, the ſum of ten pounds, to be ſued for, recovered, and applied in manner aforeſaid. Provided nevertheleſs, That all ſoal leather which, upon inſpection as aforeſaid, ſhall be found not to be dry, good and merchantable, and which as ſuch, ſhall not be ſtamped in manner herein before directed, may be uſed for any other purpoſes, except being worked into ſhoes, boots, or buckets. And provided further, That all ſuch ſoal leather, which ſhall not on ſuch inſpection as aforeſaid, be deemed good and merchantable by the inſpector, ſhall be by him marked with the word *bad*, and may then be uſed for any other purpoſe, except being worked into ſhoes, boots, or buckets; and every ſuch inſpector, is hereby required and directed to keep proper inſtruments for the purpoſe of marking ſuch unmerchantable leather accordingly; and if any perſon or perſons, ſhall preſume to work up into ſhoes, boots, or buckets, any ſaol leather, before the ſame ſhall have been inſpected as aforeſaid, or any ſoal leather which ſhall be marked with the word *bad*, as aforeſaid, ſuch perſon or perſons, ſo offending, ſhall forfeit and pay for every ſuch offence, the ſum of ten pounds, to be ſued for, recovered, and applied in the manner before directed.

Unmerchantable ſoal leather, to be marked BAD.

Perſons uſing uninſpected ſaol leather for certain purpoſes, to forfeit 10l. &c.

CHAP. XXIII.

An ACT *to confirm the Partition of the Town of Kingſbury, in the County of Waſhington.* Paſſed 26th January, 1793.

WHEREAS it hath been repreſented to the legiſlature, that difficulties may ariſe reſpecting a partition, formerly made of the townſhip of Kingſbury, in the county of Waſhington, among the proprietors thereof, by reaſon that the ſaid partition was not compleated according to law; Therefore,

Be it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly, That the partition of the ſaid town of Kingſbury, among the proprietors thereof, agreeable to the map thereof, made in the month of October, in the year one thouſand ſeven hundred and ſixty-two, by David Ferris, who ſurveyed the ſame, ſpecifying to whom the ſeveral parts belonged, and agreed to by certain of the ſaid proprietors, on the eighteenth day of May, one thouſand ſeven hundred and ſixty-two, ſhall be, and hereby is confirmed and eſtabliſhed, and ſhall be taken and deemed as valid and effectual, to all intents and purpoſes, as if the ſame had been originally made according to law. Provided, That the ſaid map be duly acknowledged by the ſaid David Ferris, in like form as deeds are by law to be acknowledged, filed and recorded in the office of the clerk of the ſaid county.

CHAP. XXIV.

An ACT *for the Relief of Frederick Weiſenfelts.*

Paſſed 26th January, 1793.

BE *it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly, and it is hereby enacted by the authority of the ſame*, That the treaſurer of this ſtate be, and he is hereby authoriſed and required to liquidate the debt due from the ſaid Frederick Weiſenfelts, to the people of this ſtate, on ſuch principles and proofs as to him ſhall appear proper and juſt; and having ſo liquidated the ſame, and aſcertained the amount of the debt ſo due, it ſhall and may be lawful to and for the ſaid treaſurer, on the behalf of the people of this ſtate, to join in a petition with any other creditor or creditors of the ſaid Frederick Weiſenfelts, and to ſtate the ſum which ſhall be ſo found due as aforeſaid, to be due to the people of this ſtate, in order to enable the ſaid Frederick Weiſenfelts, to take the benefit of the act, entitled, An act for giving relief in caſes of inſolvency. Provided nevertheleſs, That the ſaid treaſurer ſhall, on oath, declare that the debt ſo by him ſtated, as due to the people of this ſtate, is, to the beſt of his knowledge and belief, true and juſt.

CHAP. XXV.

An ACT *for the Relief of Nathaniel Wattles and Medad Hunt.*

Paſſed 26th January, 1793.

WHEREAS by an act, paſſed the ſixth day of April, one thouſand ſeven hundred and ninety, the ſum of eight hundred pounds, was appropriated for the purpoſe of opening and making a road from the Olehoudt, on the river Suſquehannah, to the river Hudſon. And whereas, the commiſſioners of the land-office, did contract and agree with Nathaniel Wattles and Medad Hunt, for the ſum of ſix hundred and eighty pounds, to effect the purpoſes aforeſaid. And whereas it hath been repreſented to the legiſlature, that the ſum of ſix hundred and eighty pounds, will not indemnify the ſaid contractors for the labor and materials expended on the ſaid road; Therefore,

Be it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly, That the commiſſioners of the land-office, are hereby authoriſed and required, to make ſuch enquiry as they may think proper, reſpecting the ſums of money expended by the ſaid Nathaniel Wattles and Medad Hunt, the contractors for opening the road from the Olehoudt to Cats-Kill; and if it ſhould appear to the ſaid commiſſioners, that they have expended more

money than the agreement ſpecified, in and about the road aforeſaid, in conſequence of their ſaid contract, and that the ſame was beneficially applied, then and in that caſe the commiſſioners aforeſaid, ſhall and may certify the ſame to the treaſurer of this ſtate, who is hereby authoriſed to pay to the ſaid Nathaniel Wattles and Medad Hunt, the amount of ſuch certificate, if the ſame ſhall not exceed the ſum of one hundred and twenty pounds, as a further compenſation to the ſaid Nathaniel and Medad, for having compleated the road aforeſaid.

CHAP. XXVI.

An ACT *for the Relief of Benjamin Birdſall and his Aſſociates.*

Paſſed 4th February, 1793.

BE *it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly, and it is hereby enacted by the authority of the ſame,* That it ſhall and may be lawful for the commiſſioners of the land-office, to direct a quantity of the vacant and unappropriated lands in this ſtate, equal to ten miles ſquare, to be ſurveyed at ſuch place to the northward of the Mohawk river, as they ſhall judge proper, at the expenſe of Benjamin Birdſall and his aſſociates, being all the perſons who were concerned or aſſociated in taking leaſes of the Six Nations of Indians, within this ſtate; and to iſſue patents to the ſaid Benjamin Birdſall and his aſſociates, their heirs or aſſigns, in the following ſhares, to wit: To Robert Van Renſſelaer, James Bryant, Ezekiel Gilbert, Dominico Debarge, Benjamin Birdſall, Simon Spalding, Joſeph Hamilton, Prince Bryant, Hezekiah Olcot, Peter Bartle, John Bartle, John Graham, Morris Graham, Daniel Niven, Joſeph Barnard, John Collins, David Collins, Jeremiah Sabin, Benjamin Chace, William Wall, Henry J. Van Renſſelaer, Peter R. Livingſton, Benjamin Allen, Seth Jenkins, Henry G. Livingſton, Hugh Welſh, Sarah Reed, Ezra Reed, Nathaniel Scribner, Caleb Benton, Bazaliel Sealy, Henry Livingſton, Ambroſe Lattin, John Livingſton, William Hopkins, Charles M'Kinſtry, Garret Ryckman, John M'Kinſtry, Iſaac Paris, Peter Biſhop, Lark Jennings, William Whiting, Peter Loop, Jacob F. Shaver, William Pearce, Peter Ryckman, John D. P. Douw, Jacob Hy. Wendel, Matthew Viſſcher, Henry Tremper, Abraham Schuyler, Abraham Cuyler, Peter Schuyler, James Dean, Lawrence Tremper, John Maley, Eleazer Lindſly, Henry Blatner, William Radclift, Henry B. Livingſton, William Stewart, Ebenezer Huſted, Robert Troup, Benjamin Brown, William Potter, Cotton M. Smith, James Parker, Walter V. Wempel, Obadiah Gore and John Bay, each one ſhare; to John Shephard and Nathaniel Shaw, one ſhare; to John White and Andrew White, one ſhare; to William Ludlow and Peter Ludlow, one ſhare; to Ananias Cooper and Thomas Jones, one ſhare, and to William Colbrath and Stephen Hogeboom, one ſhare; being the perſons aſſociated as aforeſaid, upon the ſurveyor-general's return of the ſaid land, to be laid out into as many lots as there are ſhares as aforeſaid.

CHAP. XXVII.

An ACT *to confirm a Diviſion and Exchange of a certain Tract of Land, at Kinderhook, in the County of Columbia, granted to John Hendrix de Bruyn.*

Paſſed 4th February, 1793.

WHEREAS it has been repreſented by petition to the legiſlature, that a certain diviſion and exchange of a tract of land, granted to

John Hendrix de Bruyn, by letters patent, bearing date the twenty-ſixth day of December, one thouſand ſix hundred and eighty-ſix, was made in the years one thouſand ſeven hundred and fifty-one, and one thouſand ſeven hundred and fifty-two, at which periods the ſaid tract was veſted in the legal repreſentatives of Laurens Van Alen, deceaſed, in nine ſhares or proprietory rights. That a part of the ſaid land was laid into lots, and the remainder exchanged, that is to ſay: The land on the weſt ſide of Pine Ridge and Kallekoenebergh, for the land on the eaſt ſide thereof; and that a map of the ſaid tract and of the ſaid diviſion, with explanations thereof, was made by John R. Bleecker, ſurveyor, and is depoſited in the clerk's office of the county of Columbia, and that two paper writings of the ſaid exchange, being duly proved, are recorded in the clerk's office in the county of Albany. That doubts had been entertained reſpecting the validity of the ſaid diviſion and exchange, a continuance whereof might prove a ſource of litigation, and an obſtruction to the cultivation and improvement of the ſaid tract. That after ſo long a poſſeſſion, the great improvements already made, and the various tranſmutations of property, which have taken place under the ſaid diviſion and exchange, and the confuſion which would reſult from attempts to invalidate the ſame, the petitioners had determined to abide by the ſaid diviſion and exchange, and therefore prayed a confirmation thereof, by a law to be paſſed for the purpoſe: And whereas the legiſlature conceive it reaſonable, to grant the prayer of the ſaid petition, ſubject to the ſaving clauſe, herein contained; Therefore,

I. *Be it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly, and it is hereby enacted by the authority of the ſame,* That the ſaid diviſion and exchange, ſo made as aforeſaid, ſhall be, and hereby are ratified and confirmed, and that the ſeveral and reſpective lots laid down on the ſaid map, ſhall be deemed to have been veſted in fee-ſimple, in the whole or in part in the reſpective proprietors, holding the ſhares in the right of which the ſame were laid down as aforeſaid. And further, that the land not laid into lots, on the weſt ſide of the Pine Ridge and Kallekoeneberg, ſhall be deemed to have been duly veſted in fee-ſimple in the ſaid proprietors, at that time reſiding on the ſaid weſt ſide. And further, that the land not laid into lots on the ſaid eaſt ſide of the Pine Ridge and Kallekoeneberg, ſhall be deemed to have been veſted in fee-ſimple, by the ſaid exchange in all the proprietors at that time reſiding on the ſaid eaſt ſide, as well thoſe not named, in the ſaid exchange, as thoſe who were named therein, as tenants in common, according to their ſeveral and reſpective ſhares and proportions. And further, that the ſaid map ſhall remain in the clerk's office of the county of Columbia, for the time being, and the ſaid map, and the explanations thereon, and alſo the ſaid two paper writings, recorded as aforeſaid, ſhall be received and admitted, as evidence in all courts of law and equity. Provided always, That neither this act, nor any clauſe or thing therein contained, ſhall in any wiſe affect or be deemed or conſtrued to affect the right, title, eſtate, intereſt or poſſeſſion of any perſon or perſons, holding or claiming, by virtue of any other grant or letters patents, in any wiſe howſoever, nor to any perſon or perſons, claiming any right or title, derived from or under any other perſon or perſons, other than the ſaid Laurens Van Alen, deceaſed. And provided alſo, That nothing herein contained, ſhall, in any wiſe be conſtrued to affect any right, title, or claim, which Lawrence J. Van Alen and John J. Van Alen, or either of them, may have or proſecute to or for any of the ſaid lands, lying on the weſt ſide of the Pine Ridge and

Kallekoeneberg; but that all and every action or actions to be brought and proſecuted by them, or any of them, either in law or equity, for any of the ſaid lands, ſhall and may be maintained or proſecuted, as if this act had not been paſſed, any thing herein contained to the contrary thereof, in any wiſe notwithſtanding.

II. *And be it further enacted by the authority aforeſaid*, That the remaining undivided land, on the ſaid eaſt ſide of the Pine Ridge and Kallekoeneberg, ſhall and may be divided, according to the fifteenth ſection of the act, entitled, An act for the partition of lands.

CHAP. XXVIII.

An ACT *for the Relief of Catharine Paris.*

Paſſed 14th February, 1793.

WHEREAS it hath been repreſented to the legiſlature, that Iſaac Paris, one of the militia of this ſtate, was ſlain at the battle of Oriſka, by the enemy of the United States; and that Catharine Paris, the widow of the ſaid Iſaac, hath not intermarried with any perſon ſince the deceaſe of her ſaid huſband, and is now in indigent circumſtances; in conſideration whereof,

Be it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly, That the treaſurer of this ſtate, ſhall, on or before the firſt day of May next, pay to the ſaid Catharine Paris, or her order, the ſum of thirty pounds; and on the firſt Tueſday in May, in every year thereafter, during her widowhood, the like ſum of thirty pounds. Provided always, That if the ſaid Catharine Paris, ſhall ſell, aſſign, or make over the ſaid annual payments, or either of them, or any part thereof, then and from thenceforth, this act ſhall ceaſe and become void.

CHAP. XXIX.

An ACT *for giving further Time to the New-Loan Officers, of Queens County, to Loan the Monies in their Hands not already Loaned.*

Paſſed 14th February, 1793.

I. BE *it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly, and it is hereby enacted by the authority of the ſame*, That it ſhall and may be lawful for the new loan-officers of Queens county, to retain the monies now in their hands, belonging to this ſtate, and not already loaned, until the firſt Tueſday of June next; and all ſuch monies remaining in their hands after the ſaid firſt Tueſday in June, for which no borrowers ſhall have appeared on or before that day, ſhall be by them diſpoſed of, in the manner directed by the twenty-fourth ſection of the act for loaning monies belonging to this ſtate.

II. *And be it further enacted by the authority aforeſaid*, That it ſhall and may be lawful, and hereby is made the duty of the ſaid loan-officers, to receive borrowers for the ſaid monies, or any part thereof, at any time before the firſt Tueſday in June, and loan the ſame out, in ſuch manner as is directed in the above mentioned act; and it ſhall alſo be the duty of the ſaid loan-officers, to give eight days previous notice in writing, to be fixed up at the court-houſe, and at four other public places in their county, of the time and place by them agreed upon to receive borrowers for the ſaid monies, and ſhall loan out the ſame in any ſums they may judge proper to ſuch perſons as ſhall apply for the ſame, on ſuch ſecurity, and in the ſame manner as is directed in and by the ſaid act, for loaning monies belonging to this ſtate.

CHAP. XXX.

An ACT *to amend the Acts therein mentioned, and for building a Bridge acroſs the Wall-Kill, in the County of Orange.*

Paſſed 14th February, 1793.

WHEREAS by the twenty-fourth ſection of the act, entitled, An act for the better laying out, regulating, and keeping in repair, all common and public highways and private roads, in the counties of Ulſter, Orange, Dutcheſs, Waſhington, Weſtcheſter, Albany and Montgomery, paſſed the 4th day of May, 1784, and the third ſection of the act, entitled, An act relative to the highways and bridges, in the towns therein mentioned, paſſed the 24th day of February, 1789, and the fifth ſection of the act, entitled, An act for dividing the counties of this ſtate, into towns, paſſed the 7th day of March, 1788, it is enacted, that certain bridges and cauſeways, in the towns of Goſhen, New-Cornwall, Warwick and Miniſink, in the county of Orange, ſhall be built and kept in repair, by a public tax, raiſed on the inhabitants of the ſaid four towns of Goſhen, New-Cornwall, Warwick and Miniſink. And whereas many bridges of conſiderable importance, are neglected by reaſon of their not being compriſed in the ſaid acts, and no proviſion being made for building and repairing the ſame; Therefore,

I. *Be it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly, and it is hereby enacted by the authority of the ſame,* That all the bridges and cauſeways, mentioned in the above recited acts, which have been made and kept in repair at the joint expenſe of the towns of Goſhen, New-Cornwall, Warwick and Miniſink, in the county of Orange, ſhall, from and after the paſſing of this act, be built and kept in repair by the commiſſioners of the highways for the time being, in the reſpective towns in which the ſaid bridges and cauſeways are ſituated, and the expenſe attending the ſame, ſhall be raiſed, collected and paid, by the freeholders and inhabitants of the reſpective towns, in which the ſaid bridges are ſo ſeverally ſituated, in the ſame manner as the other contingent charges of the county are raiſed and paid.

II. *And be it further enacted by the authority aforeſaid,* That the laſt proviſo in the twenty-ſecond ſection of the firſt recited act be, and hereby is repealed.

III. *And be it further enacted by the authority aforeſaid,* That the commiſſioners of the highways, for the towns of Goſhen and Miniſink, are hereby directed and required, to cauſe a bridge to be erected acroſs the Wall-Kill, at or near the place where the old bridge now ſtands, near the mill of Peter R. Ludlow; and an account of the expenſes attending the ſame ſhall be tranſmitted to the ſuperviſors of the county of Orange, at their then next annual meeting; and the ſaid ſupervisors are hereby required and directed, to divide the whole amount of ſuch expenſe, between the ſaid towns of Goſhen and Miniſink (provided the ſame ſhall not exceed the ſum of one hundred and twenty pounds) in the proportion that the other contingent charges of the ſaid county of Orange, ſhall be divided between the ſaid two towns, and cauſe the ſame to be levied and collected from the freeholders and inhabitants of the ſaid two towns of Goſhen and Miniſink, and be paid to the county treaſurer in like manner as the other contingent charges of the ſaid county are raiſed and paid; and the ſaid treaſurer is hereby directed and required, to pay the ſaid monies to the ſaid commiſſioners, upon their producing an order from the ſaid ſupervisors for that purpoſe.

CHAP. XXXI.

An ACT *to alter the Diviſion Line between the Towns of Schaclekoke and Pitts-Town, in the County of Renſſelaer, and for repealing the ſeventeenth Section of the Act therein mentioned.*

Paſſed 14th February, 1793.

WHEREAS the diviſion line between the towns of Schaclekoke and Pitts-Town, in the county of Renſſelaer, has been found inconvenient to the inhabitants of both towns; For remedy whereof,

I *Be it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly*, That from and after the firſt Monday in April next, the diviſion line of the ſaid towns, ſhall be continued from Veile's or Toll's bridge, on the Hoſick river, in a direct courſe to the weſtermoſt corner of Michael Vander Cook's griſt-mill, in Cookſburgh, and from thence in the ſame direction to the manor of Renſſelaerwyck; any thing in any other law heretofore paſſed to the contrary notwithſtanding.

II. *And be it further enacted*, That the contingent charges and expenſes of the ſaid towns, that have already ariſen, or ſhall ariſe before the firſt Monday in April next, ſhall be aſſeſſed, levied and paid, in the ſame manner as if this act had not been paſſed.

III. *And be it further enacted*, That the ſeventeenth ſection of the act, entitled, An act for dividing the ſeveral towns therein mentioned, paſſed the tenth day of April, one thouſand ſeven hundred and ninety-two, be, and hereby is repealed.

CHAP. XXXII.

An ACT *to authoriſe the Commiſſioners of the Land-Office, to grant Letters Patent for the Lands therein mentioned.*

Paſſed 21ſt February, 1793.

WHEREAS James Latta, as well in behalf of himſelf, as in behalf of Moſes Latta, Samuel Latta and William Latta, did procure from the commiſſioners, appointed by law for that purpoſe, an allotment of a certain tract or parcel of land, ſituated in the townſhip of Chemung, in the county of Tioga, containing three thouſand one hundred and thirty acres, as appears by the map and field book, filed by the ſaid commiſſioners, in the office of the ſurveyor-general of this ſtate. And whereas the ſaid James Latta, did tranſmit the purchaſe money for the ſaid tract of land, to be paid into the treaſury of this ſtate, but owing to ſome miſtake, the ſame was not paid within the time limited by law for that purpoſe, and the ſaid James Latta, in behalf of himſelf and his ſaid aſſociates hath prayed relief in the premiſes; Therefore,

I. *Be it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly*, That it ſhall and may be lawful to and for the ſaid James Latta, Moſes Latta, Samuel Latta and William Latta, at any time within the ſpace of three calendar months from the time of paſſing this act, to pay into the treaſury of this ſtate, the whole of the purchaſe money, with lawful intereſt for the ſame, from the firſt day of March, one thouſand ſeven hundred and ninety-one, for the ſaid tract of land, and upon ſuch payment, it ſhall and may be lawful, to and for the commiſſioners of the land office of this ſtate, and they are hereby required and directed, to iſſue letters patent, under the great ſeal of the ſaid ſtate, in the uſual form, to the ſaid James Latta,

When the commiſſioners of the land-office are to grant a lot in Chemung, to James Latta, &c.

Moſes Latta, Samuel Latta and William Latta, or their legal repreſentatives, for the aforeſaid tract of three thouſand one hundred and thirty acres of land, agreeable to the boundaries and deſcription mentioned and contained in the map and field book aforeſaid: And ſhall grant like letters patent, unto George Hall, or his legal repreſentatives, for lot number fifty-ſeven, containing one hundred and nine acres; unto Adam Conkle, or his legal repreſentatives, for lot number eighty-ſix, containing two hundred and ninety ſeven acres; unto David Holbrook, Henry Wells, Abiel Frey and Solomon Tracy, or to their legal repreſentatives reſpectively, for lot number one hundred and forty, containing two thouſand eight hundred and ſeven acres; to John Haggerty, or his legal repreſentative, for lot number one hundred and nine, containing three hundred acres, and to Michael Shaff, or his legal repreſentatives, for lot number one hundred and ten, containing three hundred and fifty acres, agreeably to the deſcription and boundaries of the ſaid ſeveral lots mentioned and contained in the map and field book aforeſaid. Provided always, That the eight perſons laſt mentioned, or their ſeveral legal repreſentatives, ſhall, previouſly and within the ſpace of three calendar months after the paſſing of this act, have paid into the treaſury of this ſtate, the whole of the purchaſe money, for the five lots to be ſo granted, together with the lawful intereſt accrued ſubſequent to the firſt day of March, one thouſand ſeven hundred and ninety-one.

Also to George Hall, for lot No. 57.

To Adam Conkle, David Holbrook, John Haggerty and Michael Shaff.

Purchaſe money, when to be paid into the treaſury.

II. *And be it further enacted*, That it ſhall and may be lawful for the commiſſioners of the land-office, to direct letters patent to be granted to Jellis A. Fonda, late a captain in Colonel Willett's regiment of New-York ſtate troops, for the like quantity of lands, in like manner granted to officers of the ſame rank and of the ſame regiment, by virtue of an act, paſſed the twentieth day of March, one thouſand ſeven hundred and eighty-one, and an act, paſſed the twenty-third day of March, one thouſand ſeven hundred and eighty-two, for raiſing troops on bounties of unappropriated lands. Whereas Major John Wood, of Goſhen, whilſt a captain of militia, was made a priſoner, in an engagement with the enemy, during the late war (in which he behaved with the propriety becoming a defender of the liberty of his country) and continued in captivity to the end of the war: In compenſation therefore of his ſervices and ſufferings,

To Captain Jellis A. Fonda.

Compenſation to Major Wood.

III. *Be it further enacted*, That it ſhall and may be lawful, to and for the commiſſioners of the land-office, and they are hereby directed, to cauſe to be granted to the ſaid John Wood, the like proportion of unappropriated land, part of the lands ſet apart for the uſe of the line of this ſtate, lately ſerving in the army of the United States, and for other purpoſes, as has been granted to a captain of the line of this ſtate, ſerving in the army of the United States.

Lands to be granted to him.

IV. *And be it further enacted*, That it ſhall and may be lawful for the commiſſioners of the land-office, to direct letters patent to be granted to Aldert Rooſa, late a lieutenant in Colonel Willett's regiment of New-York ſtate troops, for the like quantity of lands, in like manner granted to officers of the ſame rank and of the ſame regiment, by virtue of an act, paſſed the twentieth day of March, one thouſand ſeven hundred and eighty-one, and an act, paſſed the twenty-third day of March, one thouſand ſeven hundred and eighty-two, for raiſing troops on bounties of unappropriated land.

Alſo to Lieutenant Aldert Rooſa.

CHAP. XXXIII.

An ACT *relative to the Church in Johnſtown.*

Paſſed 27th February, 1793.

BE *it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly*, That all the eſtate, right, title, intereſt, claim and demand, of the people of the ſtate of New-York, in and to the ſtone church, in the village of Johnſtown, in the county of Montgomery, and one acre of land, lying and being in the ſaid village, which acre of land is bounded as follows, to wit: Northerly, by a lot of ground owned by George B. Troop, and a lot owned by Daniel Schovel; weſterly, by the main ſtreet; ſoutherly, by a lot owned by John Grant, junior, and eaſterly, by a ſtreet adjoining the eaſt bounds of the ſaid John Grant's lot and the lot aforeſaid, of George B. Troop; and alſo in and to all that certain tract of land, containing about forty acres, heretofore ſet apart by the late Sir William Johnſon, for a glebe to the church aforeſaid, ſhall be, and hereby are granted to, and veſted in the truſtees of the preſbyterian congregation, in the village of Johnſtown, in the town of Caughnawaga, in the county of Montgomery, and their ſucceſſors, for and during the pleaſure of the legiſlature; reſerving nevertheleſs, to the Lutherans in the ſaid town, the uſe of the ſaid church, for four Sundays in each and every year, that is to ſay, the firſt Sunday after Eaſter Sunday; the firſt after Whitſunday; the laſt in October, and the laſt in December; and with the like reſervation to the Epiſcopalians, in the ſaid town, on the Sundays reſpectively ſucceeding thoſe herein mentioned, if required by any number of the laſt mentioned religious perſuaſions, not leſs than ten.

CHAP. XXXIV.

An ACT *appointing additional Perſons to cancel certain Bills of Credit of this State.*

Paſſed 27th February, 1793.

WHEREAS one of the ſigners of the bills of credit, emitted in purſuance of the ſtatute, entitled, An act to take out of circulation, the bills of credit emitted by law, and to emit others as a ſubſtitute, is deceaſed, whereby a further legiſlative proviſion for cancelling the ſaid bills of credit, is become neceſſary; Therefore,

Be it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly, That the ſurvivors of the ſigners of the ſaid bills, together with Robert Benſon, William W. Gilbert and John Broome, or any three of them, or any three of the ſurvivors of them, ſhall be, and they are hereby authoriſed to do any and every act, matter or thing, required of the perſons appointed to ſign the ſaid bills of credit, emitted by the authority of the above mentioned act.

CHAP. XXXV.

An ACT *relative to the Streets and Highways in the City of Hudſon.*

Paſſed 27th February, 1793.

BE *it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly*, That it ſhall and may be lawful to and for the mayor, recorder, aldermen and commonalty of the city of Hud-

The corporation of Hudſon, by ordinance to pitch and pave the ſtreets within certain limits.

Hudſon, in common council convened, by ordinance or bye laws for ſuch purpoſes to be made and ordained, from time to time, and in ſuch manner, as they ſhall judge to be moſt conducive to the public good, to order and direct the pitching, levelling, forming and paving of ſuch of the ſtreets of the ſaid city, within the limits following, viz. Beginning at the river Hudſon, on the north line of the farm of Thomas Jenkins, which he bought of Jacob J. Van Hoeſen, running eaſterly along the ſaid north line, to and acroſs the main road, thence ſoutherly along the eaſterly ſide of the ſaid road, to and acroſs the road leading from the city of Hudſon to the town of Claverack; thence weſterly along the ſoutherly ſide of the ſaid laſt mentioned road, to the houſe of Ezekiel Gilbert, lately occupied by John Mandeville; from thence on a direct line to the mouth of Caſawa Kill; thence north-weſt to the moſt weſterly bounds of the ſaid city; thence northerly and eaſterly to the place of beginning, as the mayor, recorder, Aldermen, and commonalty of the ſaid city, in common council convened, ſhall from time to time in their diſcretion, by any ſuch ordinance or bye law, deſignate and appoint; and that for the better effecting thereof, the ſaid mayor, recorder, aldermen and commonalty, in common council convened, ſhall and may cauſe an eſtimate or eſtimates to be made of the expenſe of conforming to any ſuch ordinance or bye law, and a juſt and equitable aſſeſſment thereof, among the owners or the occupants of all the houſes and lots of ground intended to be benefited thereby, in proportion as nearly as may be, to the advantage they ſhall be deemed reſpectively to acquire thereby: And in order that the ſame may be impartially performed, the ſaid mayor, recorder, aldermen and commonalty, in common council convened, ſhall, from time to time, appoint five ſufficient and diſintereſted freeholders for every ſuch purpoſe, who ſhall, before they enter upon the execution of the truſt repoſed in them, be duly ſworn before the mayor or recorder of the ſaid city, to make the ſaid eſtimate or aſſeſſment fairly and impartially, according to the beſt of their ſkill and judgment, and a certificate in writing of ſuch eſtimate and aſſeſſment being returned to the ſaid mayor, recorder, aldermen and commonalty, in common council convened, ſhall be binding and concluſive upon the owners or occupants of ſuch houſes and lots of ground, ſo to be aſſeſſed reſpectively, and ſuch owners or occupants reſpectively, ſhall thereupon become, and be liable and chargeable, and they are hereby required upon demand, to pay to ſuch perſon or perſons as ſhall be authoriſed by the ſaid mayor, recorder, aldermen and commonalty, by their reſolution or order for that purpoſe, to be made in common council, to receive the ſame; and in default of payment thereof, it ſhall and may be lawful to and for the mayor, recorder, and aldermen of the ſaid city, or any three of them, whereof the mayor or recorder always to be one, by warrant under their hands and ſeals, to cauſe the ſaid ſum or ſums of money, ſo aſſeſſed, to be levied by diſtreſs and ſale of the goods and chattels of the owners or occupants of ſuch houſes or lots of ground ſo aſſeſſed, and refuſing or neglecting to pay the ſame, rendering the overplus, if any there be, after deducting the ſum aſſeſſed, and the charges of diſtreſs and ſale, to ſuch owners or occupants, or his or her legal repreſentatives. Provided, That it ſhall be lawful to and for the ſaid mayor, recorder, aldermen and commonalty, in common council convened, in and by any of the ſaid ordinances or bye laws, to direct and eſtabliſh certain rates at

To cauſe an eſtimate and aſſeſſment of the expence,

By five freeholders, under oath, whoſe certificate ſhall bind owners or occupants.

Who are to pay ſaid aſſeſſments on demand.

Corporation to eſtabliſh the rates of la-

labor, and materials furniſhed. which any labor performed, or materials furniſhed, by any ſuch owner or occupant, for and towards the completion of ſuch pavement, in the manner and in the proportion directed and preſcribed in and by any ſuch ordinance or bye laws, ſhall be credited on the ſaid aſſeſſment.

Agreements between landlords and tenants not to be affected. II. *And be it further enacted*, That nothing in this act contained ſhall be conſtrued to affect any contract or agreement that hath been or ſhall be made between any landlord and tenant reſpecting the payment of any ſuch charges or repairs; but that they ſhall be anſwerable to each other in like manner, as if this act had never been made. And that in caſe any money ſo from time to time to be aſſeſſed, for the ſervices aforeſaid, ſhall be paid by any perſon, when, by agreement or by law, the ſame ought to have been borne by ſome other perſon, that then it ſhall and may be lawful to and for the perſon ſo paying the ſame, and he ſhall be, and hereby is, empowered and authoriſed to ſue for and recover the ſame, with intereſt and coſts of ſuit, in any court having cognizance of the ſame, as ſo much money paid for the uſe of the perſon for whom or for whoſe uſe the ſame ſhall have been paid.

When a further aſſeſſment ſhall be made and collected. III. *And be it further enacted*, That if upon the completion of any ſuch regulations as aforeſaid, it ſhall appear to the ſaid mayor, recorder, aldermen, and commonalty of the ſaid city, in common council convened, that a greater ſum of money has been bona fide expended in completing ſuch regulation than the ſum mentioned in the eſtimate ſo made as aforeſaid, and actually collected, it ſhall and may be lawful to and for the ſaid common council to cauſe a farther aſſeſſment to be made of the ſum which ſuch bona fide expenditures ſhall exceed the ſum ſo eſtimated and collected as aforeſaid, upon and among the owners or occupants of all the houſes and lots of ground before aſſeſſed as aforeſaid, and to cauſe the ſame to be collected in the like manner as herein before directed; and in caſe the ſum actually expended ſhall be leſs than the ſum expreſſed in ſuch eſtimate, and actually collected as aforeſaid, the ſurplus ſhall be forthwith rendered to the reſpective perſon or perſons from whom the ſame were ſo collected and received as aforeſaid, or to his or her legal repreſentative. And whereas, by the thirteenth ſection of the act, entitled, An act for incorporating the inhabitants reſiding within the limits therein mentioned, paſſed the 22d day of April, one thouſand ſeven hundred and eighty five, it is enacted, that the common council of the ſaid city of Hudſon, for the time being, or a major part of them, from time to time, for ever thereafter, ſhall have full power, licence, and authority, to

Powers of the corporation as to eſtabliſhing ſtreets, &c. eſtabliſh, appoint, order, and direct the making and laying out all ſtreets, lanes, ways, alleys, highways, water courſes and bridges, not already made or laid out, and alſo the altering, amending, and repairing all ſuch ſtreets, lanes, ways, alleys, highways, water courſes, and bridges theretofore made or laid out, or thereafter to be made or laid out, in and throughout the ſaid city, limits, and precincts thereof, in ſuch manner as the common council for the time being, or a major part of them, ſhall think or judge to be neceſſary and convenient for all the inhabitants and travellers there. Provided always, That in all caſes where the property of individuals is affected by the laying out, repairing, or altering ſuch ſtreets, ways, lanes, alleys, highways, water courſes, and bridges as aforeſaid, the ſaid common council ſhall proceed according to the mode pointed out to the commiſſioners of highways for the

county of Albany, in and by certain acts of the legislature, in such case made or to be made and provided.

And whereas the mayor, aldermen, and commonalty, in common council convened, have, by their petition, represented, that the present mode of assessing labour for making and mending the said streets is very unequal, and detrimental to many of the citizens of the said city; for remedy whereof,

IV. *Be it further enacted*, That it shall and may be lawful for the mayor, recorder, aldermen, and commonalty of the city of Hudson, in common council convened, to raise a sum of money, not exceeding two hundred and twenty pounds, for the purpose aforesaid, to be assessed, collected, and paid in such manner as the other contingent charges of the said city are directed by law to be assessed, collected, and paid.

220l. to be raised for making the streets, &c.

CHAP. XXXVI.

An ACT *to explain and amend the Acts relative to the Partition of Lands.*

Passed 27th Feb. 1793.

WHEREAS in and by the fifteenth section of the act, entitled, An act for the partition of lands, it is enacted, that where any lands, tenements, or hereditaments, shall be held in common, it shall and may be lawful for the court of common pleas in the county where such lands shall be, upon the application of one or more of the owners or proprietors of such lands, tenements, and hereditaments, for partition thereof, it being proved, to the satisfaction of the court, that the value of the said lands, tenements, and hereditaments, do not exceed five thousand pounds, to appoint three reputable freeholders of the county, commissioners for that purpose; and it is in and by the said section provided, that where any houses and lots are so circumstanced, that a division thereof cannot be made without great prejudice to the owners or proprietors of the same, and the commissioners appointed to make partition of the same shall so report to the court, if it shall then appear to the court, that such houses and lots do not exceed in value the sum of three thousand pounds, the court shall thereupon give orders to the said commissioners to sell such house and lot, or houses and lots, at public vendue; which said provision was intended only to extend to town lots and the houses thereon, and not to large tracts of land. And whereas doubts have arisen respecting the said provision; Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same*, That no lot or lots exceeding fifty acres, nor any house or houses thereon, shall be sold by virtue of the said recited proviso; and that no order shall be made by any court, for the sale of any house and lot, or houses and lots, unless it shall appear to such court, by satisfactory proof, that the same lot or lots do not contain more than fifty acres, and that the same cannot be divided among the owners, without great and manifest prejudice to them.

Doubts removed, as to the sale of houses and lots.

II. *And be it further enacted by the authority aforesaid*, That in all cases where any tenements are ordered by any court to be sold, the commissioners who are to sell the same shall give at least thirty days notice of the time and place of such sale, and no conveyance shall be given by the commissioners until such sale shall be by them reported to and approved of by the court in which

Sales and conveyance of tenements, how to be made, by whom, &c.

the order for such sale was made; and in case any of the owners shall be absent, his or their proportion of the monies shall be put out at interest, or invested in some of the stock of the United States, by order of the court, for his, her, or their benefit.

Lands, &c. held in common to be divided into as many parts as shares in the first tenancy in common.

III. *And be it further enacted by the authority aforesaid*, That in all cases where commissioners are appointed by any such court, to divide any lands, tenements or hereditaments held in common, they shall divide the same into as many parts, as there were shares in common, when such tenancy in common was first created, and no more; and if any of the said parts are held in common, by two or more persons, the owners of every such part may apply for and have a partition thereof among them, or a sale thereof, if it cannot be divided according to the directions of the said recited act, and of this act.

Certain improvements, on lands, &c. to be divided, how to be valued and paid.

IV. *And be it further enacted by the authority aforesaid*, That if on any of the lands, tenements or hereditaments, so to be divided by commissioners, to be appointed by any court of common pleas, there shall be any improvements made by any owner or proprietor, or by any person or persons, by consent of any owner or proprietor of such lands, tenements or hereditaments, such improvements shall be valued and paid for, in the same manner as is directed in and by the sixth section of the act, entitled, An act for the partition of lands, and the several acts explaining and amending the same.

V. *And be it further enacted by the authority aforesaid*, That the third section of the act, entitled, An act to explain and amend an act, entitled, An act for the partition of lands, shall be, and hereby is repealed.

CHAP. XXXVII.

An ACT *concerning Roads, in the Tract of Land granted to the Troops of this State, lately serving in the Army of the United States.*

Passed 27th February, 1793.

WHEREAS in pursuance of the act, entitled, An act to carry into effect the concurrent resolutions and acts of the legislature, for granting certain lands promised to be given as bounty lands, and for other purposes therein mentioned, certain parts of the tract of land, set apart for the use of the troops of this state, lately serving in the army of the United States, have been sold, and an overplus of eight thousand nine hundred and sixty-one dollars, after defraying the expences accrued in and attending the surveys thereof, remains in the treasury of this state. And whereas in and by the said act, it is directed, that such overplus shall be applied towards laying out and making roads in the tract of land aforesaid; Therefore,

Three commissioners for laying out, &c. roads in the military lands.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same*, That John L. Hardenbergh, Moses De Witt and John Patterson, shall be, and they are hereby appointed a board of commissioners, for laying out and making public roads and highways, in the tract of land aforesaid.

Said commissioners to expend the monies allowed them in opening and making certain roads in military lands.

II. *And be it further enacted by the authority aforesaid*, That the monies in this act, and herein after mentioned and directed to be paid to the said commissioners, shall be by them appropriated and expended in opening and making public roads and highways, in and through the tract of land aforesaid, in the following manner, viz. A public road or highway, to

begin in the ſouth bounds of the ſaid tract of land, at or near the place where the diviſion line between the townſhips of Virgil and Cincinnatus ſtrikes the ſaid ſouth bounds; from thence the moſt direct and eligible route to the Onondaga Salt Springs, avoiding as much as poſſible the Onondaga reſervation. Another public road or highway, to begin at or near the place where the preſent road, leading from the Deep Spring to the Cayuga Ferry, croſſes the out-let of the Owaſco Lake, and from thence ſoutherly, the moſt direct and eligible route, between Skaneatelis and Owaſco Lakes, and to paſs through the townſhips of Aurelius, Sempronius, Locke, and part of Dryden, and to terminate in the road lately marked and opened through the townſhips of Cincinnatus, Virgil, Dryden and Milton, to the Cayuga Lake; and another public road or highway, to begin at or near the place where the laſt directed road interſects the diviſion line between the townſhips of Sempronius and Locke, and from thence the moſt eligible and direct courſe to the Cayuga Lake, and to ſtrike the ſaid Lake where a point of land projects into the ſame, in or near the diviſion line, between lots number fifty-ſix and ſixty-ſeven, in the townſhip of Scipio; and another road, to commence on the weſt ſide of the ſaid Cayuga Lake, as nearly oppoſite the termination of the laſt mentioned road as may be; from thence, in as direct a route as the nature of the ground will admit of, to the Senaca Lake, and to ſtrike the ſaid Lake, at or near the diviſion line, between the townſhips of Romulus and Ovid.

Said roads to be laid out four rods wide.

III. *And be it further enacted by the authority aforeſaid,* That the roads herein directed to be opened, ſhall be laid out four rods wide, and ſhall be cleared and opened at leaſt one rod wide; and that it ſhall and may be lawful for the ſaid commiſſioners, or the major part of them, to make, open and improve the ſaid roads, directed to be laid out by contract, or otherwiſe, in ſuch manner as to them, or a major part of them, ſhall appear moſt eligible, and for the public intereſt.

2,700 dollars to be paid by the treaſurer to ſaid commiſſioners.

IV. *And be it further enacted by the authority aforeſaid,* That the treaſurer of this ſtate be, and he is hereby authoriſed and directed to pay into the hands of the ſaid commiſſioners, out of the monies mentioned in the recital of this act, the ſum of two thouſand ſeven hundred dollars, to be applied and expended in making the public roads and highways, by this act particularly mentioned and deſcribed.

V. *And be it further enacted by the authority aforeſaid,* That each of the ſaid commiſſioners, before he enters on the duties by this act enjoined on him, ſhall take and ſubſcribe an oath before the chancellor, or one of the judges of the ſupreme court, or one of the judges of the court of common pleas, in any county within this ſtate; which oath ſhall be adminiſtered and taken in the words following, viz. "I——, do ſolemnly and ſincerely promiſe and ſwear, that I will, in all things, to the beſt of my knowledge and underſtanding, well and faithfully execute the truſt repoſed in me by the act entitled, An act concerning roads, in the tract of land granted to the troops of this ſtate, lately ſerving in the army of the United States.

VI. *And be it further enacted by the authority aforeſaid,* That each of the ſaid commiſſioners, ſhall be entitled, for their ſervices and expenſes, to the ſum of ſixteen ſhillings for each and every day they ſhall be reſpectively employed in the ſaid buſineſs, to be retained by them out of the monies in and by this act directed to be paid to them.

VII. *And be it further enacted by the authority aforeſaid,* That the ſaid commiſſioners ſhall account with the auditor of this ſtate, for their wages, and the expenditure of the monies they ſhall receive from the treaſurer aforeſaid

CHAP. XXXVIII.

An ACT *to incorporate the Stockholders of the Bank of Columbia.*

Paſſed 6th March, 1793.

WHEREAS Thomas Jenkins and others, aſſociated in a company, under the ſtile of the preſident, directors and company, of the bank of Columbia, by their petition, preſented to the legiſlature, have prayed for the privilege of being incorporated; Therefore,

I. *Be it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly,* That all ſuch perſons as now are, or hereafter ſhall be, ſtockholders of the ſaid bank, ſhall be, and hereby are ordained, conſtituted and declared to be and continue, until the ſecond Tueſday in May, which will be in the year of our Lord one thouſand eight hundred and eleven, a body corporate and politic, in fact and in name, by the name of "The preſident, directors and company, of the bank of Columbia," and that by that name they and their ſucceſſors, until that day, ſhall and may have continual ſucceſſion, and ſhall be perſons in law, capable of ſuing and being ſued, pleading and being impleaded, anſwering and being anſwered unto, defending and being defended, in all courts and places whatſoever, in all manner of actions, ſuits, complaints, matters and cauſes whatſoever; and that they and their ſucceſſors may have a common ſeal, and may change and alter the ſame at their pleaſure; and alſo that they and their ſucceſſors, by the ſame name of the preſident, directors and company, of the bank of Columbia, ſhall be in law, capable of purchaſing, holding and conveying, any eſtate, real or perſonal, for the uſe of the ſaid corporation.

Number of ſhares, and amount of each. Amount of ſtock limited.

II. *And be it further enacted,* That a ſhare in the ſtock of the ſaid bank, ſhall be four hundred Spaniſh milled dollars, or the equivalent thereof in ſpecie; and the number of ſhares, excluſive of any ſhares that may be ſubſcribed, on the part of the ſtate, ſhall not, at any time, exceed four hundred; and ſubſcriptions may be kept open, under the direction of the preſident, and directors of the ſaid bank, until the ſaid number of ſhares be filled; and the whole amount of the ſtock, eſtate and property, which the ſaid corporation ſhall hold, including the capital ſtock or ſhares above mentioned, ſhall never exceed in value, one hundred and ſixty thouſand dollars.

Stock, &c. to be managed by thirteen directors.

III. *And be it further enacted,* That the ſtock, property, and concerns of the ſaid corporation, ſhall be managed and conducted by thirteen directors, ſtockholders, and citizens of this ſtate, who ſhall hold their offices for one year, eight of whom ſhall be reſidents of the city of Hudſon; and the ſaid thirteen directors ſhall be elected on the ſecond Tueſday of May, in every year, at ſuch time of the day, and at ſuch place in the city of Hudſon, as a majority of the directors for the time being ſhall appoint, whereof public notice ſhall be given by the ſaid directors, at leaſt ſixty days previous to the time of holding the ſaid election; and the ſaid election ſhall be held and made by ſuch of the ſtockholders of the ſaid bank as ſhall attend in their proper perſons, or by proxy.

Elections to be by ballot, and how conducted.

All elections ſhall be by ballot, and the thirteen perſons who ſhall have the greateſt number of votes at any election, ſhall be the directors, except two or more perſons have an equal number of votes, in ſuch manner that a greater number of perſons than thirteen ſhall by plurality of votes appear to be choſen as directors, then the ſaid ſtockholders ſhall proceed in like manner to ballot a ſecond time, and determine which of the ſaid perſons ſo having an equal number of

votes, ſhall be director or directors, ſo as to compleat the whole number of thirteen: And the ſaid directors, as ſoon as may be after their election, ſhall proceed in like manner to elect one of their number to be their preſident; and three of the directors, who ſhall be choſen in any year, excepting the preſident, ſhall be ineligible to the office of director for one year after the expiration of the time for which they ſhall be choſen directors; and in caſe a greater number than nine of the directors, excluſive of the preſident who ſerved for the laſt year, ſhall appear to be elected, then the election of all ſuch perſon or perſons above the ſaid number, having a leſs number of votes than the ſaid nine perſons ſo elected as aforeſaid, ſhall be conſidered as void; and ſuch other of the ſtock-holders as ſhall be eligible, and have the next greateſt number of votes, ſhall be conſidered as elected in the room of ſuch laſt deſcribed perſon or perſons; and the preſident for the time being ſhall always be eligible to the office of director; and no ſtock-holder reſiding out of the city of Hudſon ſhall be eligible to the office of preſident: If any of the directors reſident in the city of Hudſon ſhall remove out of the ſaid city, or any other of the directors ſhall remove out of this ſtate, the office of ſuch director ſhall be conſidered as vacant; and if any vacancy or vacancies ſhall happen among the directors, by death, reſignation, or removal, ſuch vacancy or vacancies ſhall be filled, for the remainder of the year in which they may happen, by a ſpecial election, to be held in the ſame manner as is herein before directed reſpecting annual elections, at ſuch time and place in the city of Hudſon as the remainder of the directors for the time being, or the major part of them, ſhall appoint; and that the firſt directors ſhall be Thomas Jenkins, Seth Jenkins, Duncan Ingraham, Stephen Paddock, John Thurſton, Juſtus H. Van Hoeſen, David Lawrence, Cotton Gelſton, William H. Ludlow, William Cantine, Walter V. Wemple, Peter Van Neſs, and John Livingſton, and ſhall hold their offices until the ſecond Tueſday of May next.

A Preſident, when to be elected.

Three directors, when ineligible for one year.

Special elections, how, when, & where held.

Names of the firſt directors.

IV. *And be it further enacted*, That in caſe it ſhould at any time happen, that an election of directors ſhould not be made on any day, when, purſuant to this act, it ought to have been made, the ſaid corporation ſhall not for that cauſe be deemed to be diſſolved, but that it ſhall and may be lawful on any other day, to hold and make an election of directors in ſuch manner as ſhall have been regulated by the laws and ordinances of the ſaid corporation.

Election of directors not made on the day purſuant to this act, how to be remedied.

V. *And be it further enacted*, That each ſtock-hodler at elections, and on all other queſtions, ſhall be entitled to a number of votes, proportioned to the number of ſhares which he or ſhe ſhall hold in his or her name, according to the following ratio: for one ſhare, and not exceeding three, one vote; for four ſhares, and not exceeding ſeven, three votes; for eight ſhares, and not exceeding ten, five votes; and for every ſeven ſhares exceeding ten, one vote; but no perſon co-partnerſhip, or body politic, ſhall be entitled to more than fifteen votes, and no ſtockholder, unleſs actually reſident within the United States, ſhall vote on any occaſion by proxy.

Votes of ſtock-holders, how proportioned, &c.

VI. *And be it further enacted*, That the directors ſhall make a dividend of ſo much of the profits of the ſaid bank, as to them, or a majority of them, ſhall ſeem ac-

Dividends, when to be made.

viſeable, on the firſt Monday of Auguſt next, and ſhall thereafter make half yearly dividends in manner aforeſaid.

General meeting of ſtockholders, when and how to be called.

VII. *And be it further enacted*, That a general meeting of the ſtockholders may be called whenever the directors, or a majority of them, or a number of ſtockholders, who, in reſpect to their ſhares, ſhall be entitled to ſeventy votes, ſhall judge proper; of which meeting the directors or ſtockholders calling it ſhall give at leaſt four weeks notice, in one of the public papers printed in the city of Hudſon, and ſpecify in ſuch notice the object or objects of ſuch meeting.

The ſtate's right to ſubſcribe fifty ſhares, &c.

VIII. *And be it further enacted*, That this ſtate ſhall have a right to ſubſcribe any number of ſhares to the ſaid bank, not exceeding in the whole the number of fifty, at any time when they ſhall by law authoriſe any perſon or perſons for that purpoſe. And the ſtate ſhall have a right to increaſe the number of ſhares and amount of ſtock which the ſaid corporation may hold, to the amount of the number of ſhares ſo to be ſubſcribed by the ſtate, if the number of ſhares herein before limited ſhould be ſubſcribed before ſuch ſubſcription ſhall take place on the part of the ſtate.

IX. *And be it further enacted*, That every caſhier and clerk, before he enters upon the duties of his office, ſhall give bond, with two or more ſureties, to the ſatisfaction of the directors, ſuch caſhier in a ſum not leſs than five thouſand dollars, and ſuch clerk in a ſum not leſs than one thouſand dollars, with condition for the faithful performance of his duty.

Loans or diſcounts, at the rate of ſix per cent. per annum.

X. *And be it further enacted*, That the ſaid corporation ſhall not demand any greater intereſt on any loan or diſcount than at the rate of ſix per cent. per annum.

XI. *And be it further enacted*, That no preſident or other director ſhall be entitled to any emolument for their ſervices, and that ſeven directors ſhall conſtitute a board for the tranſaction of buſineſs, of whom the preſident ſhall be one, except in caſe of ſickneſs or abſence, in which caſe the directors preſent may chooſe a chairman pro hac vice; and that there ſhall be quarterly meetings of the ſaid directors, at ſuch times in the year as ſhall be appointed by the bye laws of the ſaid corporation.

The duties, conduct, number, and ſalaries of officers, &c. employed, to be preſcribed and regulated by the directors.

XII. *And be it further enacted*, That the directors ſhall have power to make and preſcribe ſuch bye laws, rules, and regulations, as they ſhall judge proper, touching the duties and conduct of the officers and ſervants employed therein, and ſuch other matters as appertain to the ſaid bank, and ſhall have alſo power to appoint ſo many officers, clerks, and ſervants for carrying on the ſaid buſineſs, and with ſuch ſalaries and allowances as to them ſhall ſeem meet.

Where directors ſhall be chargeable with certain loſſes in their private capacities.

XIII. *And be it further enacted*, That the total amount of the debts which the ſaid corporation ſhall at any time owe by bond, bill, note, or other contract, over and above the ſpecie then actually in the bank, ſhall not exceed three times the ſum of the capital ſtock ſubſcribed and actually paid into the bank; and in caſe of ſuch exceſs, the directors under whoſe adminiſtration it ſhall happen, ſhall, in caſe of loſs, be liable for the ſame in their natural and private capacities; but this ſhall not be conſtrued to exempt the ſaid corporation, or any eſtate real or perſonal, which they may hold as a body corporate, from being alſo liable for and chargeable with the ſaid exceſs; but ſuch of the ſaid directors who may have been abſent when the

ſaid exceſs was contracted, or may have diſſented from the reſolution or act whereby the ſame was ſo contracted, may reſpectively exonerate themſelves from being liable, by giving immediate notice of the fact, and of their abſence or diſſent, to the ſtockholders, at a general meeting to be called for that purpoſe.

The lands, tenements, &c. which the corporation may hold.

XIV. *And be it further enacted*, That the lands, tenements, and hereditaments, which it ſhall be lawful for the ſaid corporation to hold, ſhall be only ſuch as ſhall be requiſite for its accommodation, in relation to the convenient tranſaction of its buſineſs, or ſuch as have been bona fide mortgaged to it by way of ſecurity, or conveyed to it in ſatisfaction of debts previouſly contracted in the courſe of its dealings, or purchaſed at ſales upon judgments, which ſhall have been obtained for ſuch debts; and the ſaid corporation ſhall not, directly or indirectly, deal or trade in buying or ſelling any goods, wares, or merchandizes whatſoever.

The corporation prohibited from trading in goods, &c.

Transfer of ſtock regulated.

XV. *And be it further enacted*, That no transfer of ſtock ſhall be valid until entered or regiſtered in a book or books to be kept for that purpoſe by the directors, and unleſs the perſon making the ſame ſhall previouſly diſcharge all debts due by him or her to the ſaid corporation.

Certain bills, under the ſeal of the corporation, made aſſignable and obligatory.

XVI. *And be it further enacted*. That the bills obligatory and of credit, under the ſeal of the ſaid corporation, which ſhall be made to any perſon or perſons, ſhall be aſſignable by endorſement thereon, and ſo as abſolutely to transfer and veſt the property thereof in each and every aſſignee and aſſignees ſucceſſively, and to enable ſuch aſſignee or aſſignees to bring and maintain an action thereupon in his, her, or their own name or names; and bills or notes which may be iſſued by the ſaid corporation, ſigned by the Preſident, and counterſigned by the caſhier, promiſing the payment of money to any perſon or perſons, his, her, or their order, or to the bearer, though not under the ſeal of the ſaid corporation, ſhall be binding and obligatory upon the ſame, in like manner, and with the like force and effect, as upon any private perſon or perſons, if iſſued by him, her, or them, in his, her, or their private or natural capacity or capacities, and ſhall be aſſignable and negociable in like manner as if they were ſo iſſued by ſuch private perſon or perſons.

Certain other bills or notes, not under the ſeal of the corporation, aſſignable and obligatory.

XVII. *And be it further enacted*, That this act be and is hereby declared to be a public act, and that the ſame ſhall be conſtrued in all courts and places benignly and favorably for every beneficial purpoſe thereby intended.

CHAP. XXXIX.

An ACT *for the Relief of James Robinſon, John Moore, and John Graham.*

Paſſed 6th March, 1793.

I. BE *it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly*, That the treaſurer of this ſtate ſhall, out of any monies in the treaſury, not otherwiſe appropriated, pay to James Robinſon, maſter carpenter in erecting the government houſe, the ſum of one hundred pounds, as a compenſation, and for his ſervices in that department; and alſo to John Moore, maſter maſon in erecting the ſaid houſe, the ſum of one hundred pounds, in full for his account, and for his ſervices in that department.

II. *And be it further enacted*, That the treaſurer of this ſtate be, and he hereby is, authoriſed and required to pay, out of any monies not otherwiſe appropriated, to John Graham, or his order, the ſum of twenty three pounds, eighteen ſhillings, and three pence, as a compenſation for his trouble and expences in defending a ſuit proſecuted by Benjamin Smith, againſt him, for acting as vendue maſter for the commiſſioners of ſequeſtration for the county of Ulſter.

CHAP. XL.

An ACT *to enable the Corporation of the firſt Preſbyterian Church, in the City of New-York, to hold real and perſonal Eſtates, of the yearly Value therein mentioned.* Paſſed 6th March, 1793.

WHEREAS the corporation of the firſt Preſbyterian church of the city of New-York, by their petition to the legiſlature, have repreſented, that the members of the united Preſbyterian congregations of the ſaid city have choſen nine perſons to take charge of the temporalities thereof, under the name and ſtyle aforeſaid, purſuant to the act, entitled, An act to enable all the religious denominations in this ſtate to appoint truſtees, who ſhall be a body corporate, for the purpoſe of taking care of the temporalities of their reſpective congregations, and for other purpoſes therein mentioned. And whereas the ſaid corporation, by their ſaid petition, have further repreſented, that the yearly rent or income of one thouſand two hundred pounds, which by the ſaid act they have authority to hold, will not be ſufficient to diſcharge the ſalaries of their miniſters, and the other neceſſary expences attending their religious worſhip, and have therefore prayed that the ſame may be encreaſed to the ſum of two thouſand four hundred pounds; which petition appearing reaſonable; Therefore,

Be it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly, and it is hereby enacted by the authority of the ſame, That the ſaid corporation and their ſucceſſors, by whatever name, ſtile, or title, they may be hereafter known or called, ſhall have full power, good right, and lawful authority, to have, take, receive, acquire, purchaſe, uſe, and enjoy lands, tenements and hereditaments, goods and chattels, and to demiſe, leaſe, and improve the ſame, or any part thereof, to the benefit of ſuch church, or churches, congregation or congregations, ſociety or ſocieties, the temporalities whereof may be under their care. Provided however, That the yearly rent or income of ſuch real and perſonal eſtates ſhall not exceed the ſum of two thouſand four hundred pounds, any thing in the act aforeſaid, or in any other act to the contrary notwithſtanding.

CHAP. XLI.

An ACT *for the further Direction of the Treaſurer.*

Paſſed 7th March, 1793.

WHEREAS the treaſurer of this ſtate, is directed in ſome caſes to give certificates in payment of demands againſt this ſtate, and debtors to this ſtate are likewiſe in ſome caſes authoriſed to make payment in certificates. And whereas thoſe proviſions are become improper; Therefore,

I. *Be it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly, and it is hereby enacted by the authority of the ſame*, That

in all caſes where the treaſurer is by law directed to give certificates in payment of any demand againſt this ſtate, he ſhall pay ſuch demand in money inſtead of giving a certificate for the amount thereof.

II. *And be it further enacted by the authority aforeſaid*, That all acts of this ſtate, authoriſing any perſon to pay any debt, demand or ſum of money whatſoever, in certificates or public ſecurities, other than the act providing for the payment and commutation of quit-rents, ſhall be, and hereby are repealed; and all ſuch debts and demands, except for quit-rents, ſhall hereafter be paid in money.

III. *And be it further enacted by the authority aforeſaid*, That the treaſurer of this ſtate, for the time being, ſhall be, and hereby is directed to ſell, at public vendue, all that farm, ſituated at Peeks-Kill, in the county of Weſtcheſter, formerly belonging to John Johnſon, and now veſted in the people of this ſtate, and all that certain tract or parcel of land, deſcribed and known by lot number one, in the diviſion of great lot number two, of the Hardenbergh patent, in the county of Ulſter, containing about three thouſand acres, formerly the property of Abraham De Peyſter, deceaſed, then treaſurer of the late colony of New-York, and to give good and ſufficient conveyances for the ſame, to the purchaſer or purchaſers, and to their heirs and aſſigns for ever, which conveyances ſhall operate as a warranty on the part of the people of this ſtate, to the purchaſer or purchaſers thereof, and to the heirs and aſſigns of ſuch purchaſer or purchaſers.

CHAP. XLII.

An ACT *for improving John-Street, in the Third Ward of the City of New-York, and for veſting the Right of the People of this State, to the Lands left for Streets, in the City of New-York, in the Corporation of the ſaid City.*

Paſſed 7th March, 1793.

Widening of the lower end of John-ſtreet or Golden-Hill.

WHEREAS it has been repreſented to the legiſlature, that it is neceſſary that the lower end of John-ſtreet, in the third ward of the city of New-York, commonly called Golden-Hill ſtreet, ſhould be enlarged and widened; Therefore,

I. *Be it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly*, That from and after the tenth day of May, which will be in the year of our Lord one thouſand ſeven hundred and ninety-four, the ſaid ſtreet which now is only twelve feet four inches wide, at the interſection thereof with Queen-ſtreet, between the houſes of Moſes Rogers and Thomas Pearſall, ſhall be enlarged and widened as follows, to wit: Beginning on Queen-ſtreet aforeſaid, at a point eight feet eight inches eaſt of the ſouth-weſt corner of the front of the houſe of the ſaid Thomas Pearſall, and running thence by a ſtraight line to a point three feet two inches eaſt of the north-weſt corner of the rear of the ſame houſe of the ſaid Thomas Pearſall, and from thence in a ſtraight line to the north-weſt corner of the lot of ground of the ſaid Thomas Pearſall, on Golden-Hill ſtreet aforeſaid. And that on the ſouth-weſt ſide of the ſaid ſtreet, the ſame ſhall be enlarged and widened, by a direct line to be drawn from the north-weſt corner of the new houſe, lately built by the ſaid Moſes Rogers, through the houſes and lots of ground of Daniel Tooker, John Hariſon and John Sproſon, to the ſouth-eaſt corner of the dwelling houſe of Alexander Crawford; and to the end that reaſonable ſatisfaction may be made for ſuch parts of the ſaid lots as may be neceſſary for the purpoſes aforeſaid, the mayor, aldermen and commonalty, of the city of New-York, in

When and how the ſaid ſtreet ſhall be enlarged and widened.

Reaſonable ſatisfaction, how to be made to owners of lots, for damages.

common council convened, shall and may treat and agree with the respective owner or owners thereof, or with the person or persons respectively interested therein, or with his, her or their respective agent or agents, or legal representative or representatives; and if such person or persons, either any or all of them shall refuse to treat and agree in manner aforesaid, then and in such case, it shall and may be lawful, to and for the mayor or recorder, and any two or more aldermen, by virtue of this act, by a precept under their hands and seals, to command the sheriff of the said city and county of New-York, to impannel and return, and he is hereby commanded to impannel and return a jury of merchants, being freeholders, to appear before the mayor's court of the said city, at any term thereof, not less than three weeks from the date of such precept, to enquire of and assess the damages due, or that shall accrue to such owner or owners respectively, of such houses and lots of ground, and to notify him, her or them, by notice, to be left at his, her or their most usual place or places of abode, if they respectively shall reside in the said city and county, but if not, then on the premises respectively, that may be supposed to be in charge to such jury, at least fourteen days before the return of the said precept, to appear before such mayor's court, at the day and at the place in such precept to be specified, which jury being first duly sworn, faithfully and impartially to enquire into and assess the damages in question, and having viewed the premises, if necessary or required by any or either of the owner or owners, agent or agents, or legal representative or representatives thereof, shall enquire of and assess such damages and recompence respectively, as they shall, under all the circumstances, judge fit to be awarded to the owner or owners, of such respective houses or lots of ground, for their respective losses or damages, according to their several and respective interests and estates therein, and the verdict of such jury, and judgment of the said mayor's court thereupon, and the payment of the sum or sums of money, so awarded or adjudged to the owner or owners thereof, or tender or refusal thereof shall be conclusive and binding to all intents and purposes, against the said owner or owners, his, her, and their respective heirs, executors, administrators and assigns, claiming any estate or interest of, in, or to the said houses or ground. And it shall be thereupon lawful, to and for the said mayor, aldermen and commonalty, of the said city of New-York, and their successors, to cause the same ground to be converted to and for the purposes aforesaid.

When such satisfaction is made, ground to be converted to aforesaid purposes.

II. *And be it further enacted*, That it shall and may be lawful, to and for Henry Rutgers, John Broome, Daniel M'Cormick, John Stagg and George Gosman, or a majority of them, upon a full and equitable consideration of all the circumstances attending the same, to determine what part or proportion of all and every of the said sums of money so to be paid, ought to be borne by the said common council, in consideration of the general convenience to the citizens of the said city; and what part or proportion thereof, specifying the sum, ought to be borne and paid by individual citizens, whose estates in the said street and vicinity thereof, will become advanced or increased in value by such improvements, and to make a just and equitable assessment of the last mentioned sum, among the owner or owners of all the houses and lots in the vicinity thereof, according to the benefit they may respectively be deemed to acquire or receive thereby, and that the said persons respectively, before they shall enter upon the execution of their trust, be duly sworn, before the said mayor or recorder, to make the said estimate and as-

Henry Rutgers and others, to determine what proportion of satisfaction shall be paid by the common council, &c.

ſeſſment, fairly and impartially, according the beſt of their ſkill and judgment, and a certificate in writing, of ſuch eſtimate and aſſeſſment being returned in writing, ſubſcribed by the ſaid perſons ſo appointed, or a majority of them, or a majority of the ſurvivors of them to the ſaid common council, and ratified by them, ſhall be binding and concluſive, upon the owner or owners of ſuch houſes and lots, ſo to be aſſeſſed reſpectively, and the ſaid owner or owners reſpectively, ſhall thereupon become and be liable and chargeable, and they are hereby required, upon demand, to pay to ſuch perſon, as ſhall be authoriſed by the ſaid common council to receive the ſame, the ſum at which each ſuch reſpective houſe or lot, ſhall be ſo aſſeſſed, to be employed and applied for and towards the payment of ſuch loſſes and damages, as may have ariſen in conſequence of the enlargement and alterations hereby intended to be made, to the owner or owners thereof reſpectively, ſo as aforeſaid, by the jury reſpectively to be aſſeſſed, and in a default of payment thereof, or of any part thereof, it ſhall and may be lawful, to and for the ſaid mayor, recorder and aldermen, of the ſaid city, or any three of them, of whom the mayor or recorder, always to be one, by warrant, under their hands and ſeals, to levy the ſum and ſums of money ſo aſſeſſed, by diſtreſs and ſale of the goods and chattels, of the owner or owners of ſuch houſe and lot ſo aſſeſſed, and refuſing or neglecting to pay the ſame, rendering the overplus, if any there be, after deducting the ſum aſſeſſed, and the charges of diſtreſs and ſale, to ſuch owner or owners reſpectively, or his or their legal repreſentative or repreſentatives; and if it ſhould ſo happen, that ſuch owner or owners, ſhall have no goods or chattels to ſatisfy the aſſeſſment aforeſaid, that then and in ſuch caſe the ſame ſhall be deemed a debt due, from the owner or owners thereof, his, her, or their lawful repreſentative or repreſentatives, to the mayor, aldermen and commonalty, of the ſaid city, and ſhall be payable to them within three months after ſuch aſſeſſment, and moreover ſhall become a charge or lien and prior incumbrance upon ſuch houſe and lot of ground, into whoſe hands or poſſeſſion the ſame ſhall then be, or at any time thereafter ſhall come or deſcend; and the reſpective owner or owners, of ſuch houſes and lots of ground reſpectively, at the time of ſuch aſſeſſment, ſhall thereupon become and be reſpectively liable and chargeable, and they are hereby required to pay to the treaſurer or chamberlain, of the ſaid city for the time being, who is hereby authoriſed to receive the ſame, to the uſe of the ſaid corporation, the ſum at which ſuch houſes and lots of ground ſhall be ſo aſſeſſed as aforeſaid, and in default of payment thereof, the ſame ſhall and may be recovered at the ſuit of the ſaid treaſurer or chamberlain, in any court of record, within this ſtate, with coſts of ſuit, and no ſuch action or ſuit, ſhall be abated or diſcontinued by the death of the treaſurer or chamberlain, of the ſaid city, or by his reſignation or removal from office, but ſhall be continued and proſecuted to effect by his ſucceſſor in office.

And ſaid owners to pay the ſums aſſeſſed on their houſes or lots to the common council, to be applied towards the payment of loſſes and damages ſuſtained by opening ſaid ſtreet.

III. *And be it further enacted*, That all the eſtate, right, title, intereſt, claim and demand whatſoever, of the people of this ſtate, of, in and to all lands at any time heretofore left for ſtreets or highways, in the city of New-York, by any perſon or perſons whomſoever, ſhall be, and hereby is veſted in the mayor, aldermen and commonalty, of the city of New-York, and their ſucceſſors, for the uſe of ſtreets and highways.

CHAP. XLIII.

An ACT *for removing Obstructions in Croton River and Muddy Brook, in Dutchess County.*

Passed 7th March, 1793.

WHEREAS certain tracts of land adjoining Croton river, in the towns of Frederick and South-East, in the county of Dutchess, are frequently subject to inundations from obstructions in the said river, which, if reclaimed by the removal of such obstructions, and clearing the channels of the said river and brook, would become fit for pasturage and mowing; and the proprietors of the said lands conceiving that they would be greatly benefited thereby, have, by their petition presented to the legislature, signified their desire to have a law passed for that purpose; Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That in order to remove the obstructions in the said river and brook, and to clear the channels of the same, the sum of three hundred pounds shall be paid by the proprietors of the said lands, in proportion to the advantages each shall be deemed respectively to derive from the removal of the said obstructions, and the clearing of the channels of the said river and brook; which sum shall be assessed upon the said several proprietors, by the persons for that purpose to be elected and chosen, in the manner herein after mentioned; and be collected, paid, laid out, and expended in defraying the expense of removing the said obstructions, and clearing the channels of the said river and brook, by the other persons for that purpose to be elected and chosen, in manner herein after mentioned, in such manner as they, or a majority of them, shall think proper.

300l. to be paid for removing such obstructions.

II. *And be it further enacted*, That Joseph Crane, Matthew Patterson, and Samuel Augustus Barker, or any two of them, shall, as soon as conveniently may be after the passing of this act, call a meeting of the said proprietors, at some convenient time and place, to be by them, or any two of them, for that purpose appointed, by advertising the same in the newspaper to be printed in the town of Poughkeepsie, in the said county, for three weeks successively; and by public notifications thereof in writing, to be put up in three or more of the most public places in each of the said towns of Frederick and South-East, and to be previous to such time of meeting; and shall then and there, by plurality of votes of the said proprietors, cause to be elected and chosen, five persons for the making the assessment aforesaid, and also three other persons for the purposes of collecting, paying, laying out, and expending the said sum of three hundred pounds, for the purposes aforesaid; and such first mentioned persons, so to be elected and chosen, as aforesaid, or a majority of them, are hereby authorised, impowered, and required to assess the said sum of three hundred pounds in manner aforesaid, and to make returns of such assessments, when made, to the persons to be elected and chosen in manner aforesaid, for the purpose of collecting, paying, laying out, and expending such money as aforesaid, who are hereby empowered to collect the said sum of three hundred pounds from the several persons on whom the same shall be assessed as aforesaid; and for that purpose to sue and prosecute for the same, in cases of non-payment, in any court within this state having cognizance thereof; and to pay, lay out, and expend the same in effecting the purposes aforesaid, in such manner as they, or a majority of them, shall think proper.

CHAP. XLIV.

An ACT *to amend an Act, entitled, "An Act for the Relief of Cities and Towns, from ſuch Charges as may ariſe from Baſtard Children, born within the ſame."*

Paſſed 9th March, 1793.

WHEREAS it often happens, that women go out of the county where their lawful ſettlement is, into another county, within this ſtate, and there are gotten with child of ſuch baſtard children, and then return, or are ſent back to the town where their legal ſettlement is: And whereas the ſaid law has provided no remedy againſt the reputed father of ſuch baſtard child or children, who reſides in ſuch other county; For remedy whereof,

I. *Be it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly, and it is hereby enacted by the authority of the ſame,* That if any woman ſhall be delivered of a baſtard child, which ſhall be chargeable, or likely to become chargeable to any city or town, or ſhall declare herſelf to be with child, and that ſuch child is likely to born a baſtard, and to become chargeable to any city or town, and ſhall, in either of ſuch caſes, on an examination to be taken in writing, upon oath, before any one or more juſtice or juſtices of the peace, of any city or of any county, wherein ſuch town is, charge any perſon with having gotten her with child, in any other county or city within this ſtate, and that ſuch perſon, ſo having gotten her with child, ſhall reſide or be in any other city or county, in this ſtate, it ſhall and may be lawful for ſuch juſtice or juſtices, upon application made to him or them, by the overſeers of the poor, of ſuch city or town, or perſons acting as ſuch, or by any one of them, to iſſue out his or their warrant for the immediate apprehending ſuch perſon, ſo charged as aforeſaid, and for bringing him before ſuch juſtice or juſtices, or before any other juſtice of the peace, of ſuch city or county; in ſuch caſe, it ſhall be lawful, and is hereby made the duty of the conſtable, or other proper officer, to whom ſuch warrant ſhall be directed to carry the ſame to ſome one juſtice or juſtices of the peace, of ſuch city or county, wherein ſuch perſon reſides or is ſaid to reſide, or can be found ſo charged as aforeſaid; and ſuch juſtice is hereby required, upon proof being made upon oath, of the hand writing of the juſtice, granting ſuch warrant, to endorſe his name on ſuch warrant, which ſhall be a ſufficient authority to the perſon or perſons bringing ſuch warrant, and to all other perſons to whom ſuch warrant was originally directed to execute ſuch warrant in ſuch other city or county, where ſuch warrant was endorſed, and to apprehend and take ſuch perſon, ſo charged as aforeſaid, before the juſtice who endorſed ſuch warrant, or ſome other juſtice of the peace of ſuch city or county where ſuch warrant was endorſed; and in caſe ſuch perſon, ſo apprehended and charged as aforeſaid, ſhall be willing and ready to give ſecurity to indemnify ſuch city or town, where ſuch baſtard child is chargeable, or likely to become chargeable, or enter into recognizance for his appearance, at the next general ſeſſion of the peace, to be held in and for the city or county wherein ſuch town lies, ſuch juſtice of ſuch other county or city, before whom ſuch perſon ſhall be brought, ſhall, and may take ſuch ſecurity, or ſuch recognizance as aforeſaid, in the ſame manner as the juſtice or juſtices of the peace, of the proper city or county, might or ought to have done; and the juſtice ſo taking ſuch ſecurity or recognizance, ſhall deliver the ſame together with all other proceedings, had or done by him in the premiſes, to

If any woman ſhall be with child of, or be delivered of a baſtard, &c. what mode is then to be purſued.

the conſtable or other perſon, ſo bringing ſuch perſon before him, who are hereby required to receive the ſame, and to deliver over ſuch recognizance and other proceedings to the juſtice or juſtices, who originally granted ſuch warrant, or to ſome other juſtice of the peace of ſuch county or city, where ſuch warrant was granted; and ſuch juſtice or juſtices, are hereby required to proceed on and with the ſame, as if the ſaid recognizance and other proceedings were had or taken by themſelves; and ſuch recognizance and other proceedings ſhall be as good and effectual in law, to all intents and purpoſes, and of the ſame force as if the ſame had been entered into, taken and acknowledged before a juſtice or juſtices of the peace, for the proper city or county where the ſaid baſtard child is chargeable, or likely to become chargeable, and the ſame proceedings ſhall be had thereon; and in caſe ſuch conſtable or other perſon, to whom ſuch recognizance and other proceedings ſhall be ſo delivered, ſhall refuſe or neglect to deliver over the ſame, as herein before directed, ſuch conſtable or other perſon, ſhall forfeit the ſum of fifty pounds, to be recovered againſt him by action of debt, bill, plaint, or information, in any court of record, by any perſon who will proſecute or ſue for the ſame; and if ſuch perſon, ſo apprehended as aforeſaid, ſhall not give ſuch ſecurity, or enter into ſuch recognizance, to the ſatisfaction of the juſtice, before whom ſuch perſon ſhall be ſo brought, in ſuch other county or city, then the conſtable or other perſon, ſhall take ſuch perſon ſo apprehended, before the juſtice who iſſued ſuch warrant originally, or before one of the juſtices of the peace of the county or city where ſuch warrant was iſſued; and the ſaid juſtice or juſtices, ſhall proceed againſt ſuch perſon, ſo charged and ſo brought before him or them, as they might or ought to have done, if the ſaid perſon reſided in the county or city where ſuch warrant was iſſued. And further, that no action of treſpaſs, falſe impriſonment, information or indictment, or other action, ſhall be brought, ſued, commenced, or proſecuted, by any perſon or perſons whatſoever, againſt the juſtice who ſhall endorſe ſuch warrant, for or by reaſon of his endorſing ſuch warrant; but ſuch perſon or perſons, ſhall be at liberty to bring or proſecute his or their action or ſuit, againſt the juſtice or juſtices, who granted ſuch warrant, in the ſame manner as he or they might have done, if this act had not been paſſed.

If recognizance forfeited, not to be ſent into the court of exchequer.

And the money, when recovered, to be paid to the overſeers of the poor.

Court may order the clerk to compound for the penalty.

II. *And be it further enacted by the authority aforeſaid*, That if any recognizance already taken, or hereafter to be taken, in any caſe concerning baſtardy, ſhall become forfeited, ſuch recognizance ſhall not be eſtreated and ſent into the court of exchequer, but the court of ſeſſions of the peace, to which ſuch recognizance has been or may be returned, ſhall, in all ſuch caſes, direct the clerk of the city or county, to proſecute a ſuit upon the ſaid recognizance in the court of common pleas, of the city or county where the perſon or perſons, who entered into ſuch recognizance can be found; and the money, when recovered, ſhall, after deducting the charges of ſuch recovery, be paid by ſuch clerk to the overſeers of the poor, of the town or place, for the indemnification whereof ſuch recognizance was taken, to be applied to the relief of the poor thereof; and it ſhall be lawful for the court of ſeſſions, into which ſuch recognizance is or ſhall be returned, at any time after the forfeiture thereof, to order and direct the clerk of the city or county, to compound for the penalty thereof, in ſuch manner and upon ſuch terms as the ſaid court ſhall judge proper.

CHAP. XLV.

An ACT *to organize the Militia of this State.*

Paſſed 9th March, 1793.

WHEREAS, by the conſtitution of the United States, the congreſs has power to provide for organizing, arming, and diſciplining the militia, and for governing ſuch part of them as may be employed in the ſervice of the United States, reſerving to the ſtates reſpectively the appointment of the officers, and the authority of training the militia, according to the diſcipline preſcribed by congreſs: And whereas the congreſs did, on the eighth day of May, one thouſand ſeven hundred and ninety two, paſs an act, entitled, An act more effectually to provide for the national defence, by eſtabliſhing an uniform Militia throughout the United States; which act is in the words following, viz.

"I. *Be it enacted by the ſenate and houſe of repreſentatives of the United States of America in congreſs aſſembled*, That each and every free able bodied white male citizen of the reſpective ſtates, reſident therein, who is or ſhall be of the age of eighteen years, and under the age of forty-five years (except as is herein after excepted) ſhall ſeverally and reſpectively be enrolled in the militia by the captain or commanding officer of the company within whoſe bounds ſuch citizen ſhall reſide, and that within twelve months after the paſſing of this act. And it ſhall at all times hereafter be the duty of every ſuch captain or commanding officer of a company to enrol every ſuch citizen as aforeſaid, and alſo thoſe who ſhall from time to time arrive at the age of eighteen years, or being of the age of eighteen years and under the age of forty five years (except as before excepted) ſhall come to reſide within his bounds, and ſhall without delay notify ſuch citizen of the ſaid enrolment, by a proper non-commiſſioned officer of the company by whom ſuch notice may be proved. That every citizen ſo enrolled and notified, ſhall within ſix months thereafter provide himſelf with a good muſket or firelock, a ſufficient bayonet and belt, two ſpare flints and a knapſack, a pouch with a box therein to contain not leſs than twenty four cartridges ſuited to the bore of his muſket or firelock, each cartridge to contain a proper quantity of powder and ball, or with a good rifle, knapſack, ſhot pouch and powder horn, twenty balls ſuited to the bore of his rifle, and a quarter of a pound of powder, and ſhall appear ſo armed, accoutred and provided, when called out to exerciſe or into ſervice, except that when called out on company days to exerciſe only, he may appear without a knapſack. That the commiſſioned officers ſhall ſeverally be armed with a ſword or hanger and eſpontoon; and that from and after five years from the paſſing of this act, all muſkets for arming the militia, as herein required, ſhall be of bores ſufficient for balls of the eighteenth part of a pound; and every citizen ſo enrolled and providing himſelf with the arms, ammunition, and accoutrements required as aforeſaid, ſhall hold the ſame exempted from all ſuits, diſtreſſes, executions, or ſales for debt, or for the payment of taxes.

The act of Congreſs.

Every free able bodied white man between the ages of 18 and 45 years to be enrolled by his captain within a certain time.

Every perſon enrolled to furniſh himſelf with arms and ammunition.

Commiſſioned officers, how to be armed, &c.

Arms and accoutrements exempted from executions or ſales for debt or taxes.

II. *And be it further enacted*, That the Vice Preſident of the United States, the officers judicial and executive of the government of the United States, the members of both houſes of congreſs and their reſpective officers, all cuſtom-houſe officers with

Exemptions from militia duty.

their clerks, all post-officers and stage drivers who are employed in the care and conveyance of the mail of the post-office of the United States, all ferrymen employed at any ferry on the post road, all inspectors of exports, all pilots, all mariners actually employed in the sea service of any citizen or merchant within the United States, and all persons who now are, or may hereafter be, exempted by the laws of the respective states, shall be, and and are hereby, exempted from militia duty, notwithstanding their being above the age of eighteen, and under the age of forty-five years.

Arrangement of the militia into divisions.

III. *And be it further enacted*, That within one year after the passing of this act, the militia of the respective states shall be arranged into divisions, brigades, regiments, battalions, and companies, as the legislature of each state shall direct; and each division, brigade, and regiment, shall be numbered at the formation thereof, and a record made of such numbers, in the adjutant general's office in the state; and when in the field, or in service in the state, each division, brigade, and regiment, shall respectively take rank according to their numbers, reckoning the first or lowest number highest in rank; that if the same be convenient, each brigade shall consist of four regiments, each regiment of two battalions, each battalion of five companies, each company of sixty four privates; that the said militia shall be officered by the respective states, as follows; To each division, one major general and two aids-de-camp, with the rank of major; to each brigade, one brigadier general, with one brigade inspector, to serve also as a brigade major, with the rank of a major; to each regiment, one lieutenant colonel commandant, and to each battalion one major; to each company, one captain, one lieutenant, one ensign, four serjeants, four corporals, one drummer, and one fifer or bugler; that there shall be a regimental staff, to consist of one adjutant and one quarter-master, to rank as lieutenants, one pay-master, one surgeon, and one surgeon's mate, one serjeant-major, one drum-major, and one fife-major.

What each brigade, regiment, battalion, and company, is to consist of.

Militia to be officered by the states.

IV. *And be it further enacted*, That out of the militia enrolled as is herein directed, there shall be formed for each battalion, at least one company of grenadiers, light infantry, or riflemen; and that to each division there shall be at least one company of artillery and one troop of horse; there shall be to each company of artillery, one captain, two lieutenants, four serjeants, four corporals, six gunners, six bombardiers, one drummer, and one fifer; the officers to be armed with a sword or hanger, a fusee, bayonet and belt, with a cartridge box to contain twelve cartridges; and each private or matross shall furnish himself with all the equipments of a private in the infantry, until proper ordnance and field artillery is provided. There shall be to each troop of horse, one captain, two lieutenants, one cornet, four serjeants, four corporals, one saddler, one farrier, and one trumpeter; the commissioned officers to furnish themselves with good horses of at least fourteen hands and an half high, and to be armed with a sword and pair of pistols, the holsters of which to be covered with bear-skin caps; each dragoon to furnish himself with a serviceable horse, at least fourteen hands and an half high, a good saddle, bridle, mail-pillion and valise holsters, and a breast-plate and crupper, a pair of boots and spurs, a pair of pistols, a sabre, and a cartouch box to contain twelve cartridges for pistols. That each company of artillery and troop of horse shall be formed of volunteers from the brigade, at the discretion of the commander in chief of the

To each battalion, one company of grenadiers, light infantry, or riflemen.

To each division, at least one company of artillery & one troop of horse.

The artillery company and troop to be formed of volunteers from the brigade.

ſtate, nor exceeding one company of each to a regiment, nor more in number than one eleventh part of the infantry, and ſhall be uniformly cloathed in regimentals, to be furniſhed at their own expence, the colour and faſhion to be determined by the brigadier commanding the brigade to which they belong.

Regiments and companies, how to be provided with colours, drums and fifes.

V. *And be it further enacted*, That each battalion and regiment, ſhall be provided with the ſtate and regimental colours by the field officers, and each company with a drum and fife, or bugle horn, by the commiſſioned officers of the company, in ſuch manner as the legiſlature of the reſpective ſtates ſhall direct.

One adjutant general to be appointed in each ſtate, and his duty pointed out.

VI. *And be it further enacted*, That there ſhall be an adjutant general appointed in each ſtate, whoſe duty it ſhall be to diſtribute all orders from the commander in chief of the ſtate, to the ſeveral corps, to attend all public reviews when the commander in chief of the ſtate ſhall review the militia, or any part thereof, to obey all orders from him, relative to carrying into execution and perfecting the ſyſtem of military diſcipline, eſtabliſhed by this act; to furniſh blank forms of different returns that may be required, and to explain the principles on which they ſhould be made, to receive from the ſeveral officers of the different corps throughout the ſtate, returns of the militia under their command, reporting the actual ſituation of their arms, accoutrements and ammunition, their delinquencies, and every other thing which relates to the general advancement of good order and diſcipline: All which the ſeveral officers of the diviſions, brigades, regiments and battalions, are hereby required to make in the uſual manner, ſo that the ſaid adjutant general, may be duly furniſhed therewith; from all which returns, he ſhall make proper abſtracts, and lay the ſame annually before the commander in chief of the ſtate.

What rules of diſcipline are to be obſerved by the militia.

VII. *And be it further enacted*, That the rules of diſcipline, approved and eſtabliſhed by congreſs, in their reſolution of the 29th of March, one thouſand ſeven hundred and ſeventy nine, ſhall be the rules of diſcipline to be obſerved by the militia, throughout the United States, except ſuch deviations from the ſaid rules as may be rendered neceſſary by the requiſitions of this act, or by ſome other unavoidable circumſtances; it ſhall be the duty of the commanding officer at every muſter, whether by battalion, regiment, or ſingle company, to cauſe the militia to be exerciſed and trained, agreeably to the ſaid rules of diſcipline.

Commiſſioned officers, how to take rank.

VIII. *And be it further enacted*, That all commiſſioned officers ſhall take rank, according to the date of their commiſſions, and when two of the ſame grade bear an equal date, then their rank to be determined by lot, to be drawn by them, before the commanding officer of the brigade, regiment, battalion, company or detachment.

Any officer or private who ſhall be wounded in ſervice, to be taken care of, at the public expence.

IX. *And be it further enacted*, That if any perſon, whether officer or ſoldier, belonging to the militia of any ſtate, and called out into the ſervice of the United States, be wounded or diſabled while in actual ſervice, he ſhall be taken care of, and provided for at the public expence.

Duty of the brigade inſpector pointed out.

X. *And be it further enacted*, That it ſhall be the duty of the brigade inſpector, to attend the regimental and battalion meetings of the militia, compoſing their ſeveral brigades, during the time of their being under arms, to inſpect their arms, ammunition and accoutrements, ſuperintend their exerciſe and manœuvre, and introduce

the ſyſtem of military diſcipline before deſcribed, throughout the brigade agreeable to law, and ſuch orders as they ſhall, from time to time, receive from the commander in chief of the ſtate, to make returns to the adjutant general of the ſtate, at leaſt once in every year of the militia, of the brigade to which he belongs, reporting therein, the actual ſituation of the arms, accoutrements and ammunition, of the ſeveral corps, and every other thing, which in his judgment, may relate to their government, and the general advancement of good order and military diſcipline; and the adjutant general ſhall make a return of all the militia of the ſtate, to the commander in chief of the ſaid ſtate, and a duplicate of the ſame, to the Preſident of the United States."

Such corps, &c. as by common uſage have not been incorporated in the general militia regulations, to retain their priviliges.

AND WHEREAS ſundry corps of artillery, cavalry, and infantry, now exiſt in ſeveral of the ſaid ſtates, which, by the laws, cuſtoms or uſages thereof, have not been incorporated with, or ſubjected to the general regulations of the militia;

I. *Be it further enacted*, That ſuch corps retain their accuſtomed privileges, ſubject nevertheleſs, to all other duties required by this act, in like manner with the other militia.

Preamble to the proviſions made by the ſtate legiſlature.

And whereas the reſervations, contained in the ſaid conſtitution, relative to the militia of the ſtates reſpectively, render it neceſſary, that proviſion ſhould be made in the premiſes by the legiſlature of this ſtate; Therefore,

Militia to be arranged into four diviſions, &c.

II. *Be it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly*, That the militia of this ſtate, ſhall be arranged into four diviſions, and that each diviſion ſhall comprehend one of the great diſtricts of this ſtate, in each of which diſtricts, a major-general ſhall be appointed, and each diviſion ſhall be formed into as many brigades, and each brigade into as many regiments, and each regiment into as many companies as the commander in chief of the militia of this ſtate, for the time being, ſhall, in his diſcretion, from time to time, deem meet and proper; and ſhall alſo order, that at leaſt one company of artillery, and one troop of horſe, be formed from every brigade, or from ſuch of them as he ſhall direct and require; and all returns from the militia corps reſpectively, ſhall be made out and tranſmitted in ſuch manner and at ſuch time, as the ſaid commander in chief ſhall, from time to time, direct and require.

Militia to rendezvous three times a year.

Brigadier to appoint the times and places of regimental parade.

Colonel to appoint the times and places of rendezvous for the companies.

Major general to direct the times and places of meeting of the artillery & troops of horſe.

III. *And be it further enacted*, That the militia of this ſtate, ſhall rendezvous three times in every year, for the purpoſe of training, diſciplining and improving in martial exerciſe, twice by companies within their reſpective beats, and once by regiments, except as is herein after excepted; and that each brigadier-general, ſhall appoint the regimental parades, at ſuch time and place as he may think proper, as nearly central as may be, within each of the reſpective regiments, that the time and place of the rendezvous for the companies, ſhall be appointed by the colonel or commanding officer of the regiment, and arranged on different days, that the field and ſtaff officers may have an opportunity of attending the ſeveral companies, exerciſed in detail, in order to introduce uniformity in the manœuvres, and diſcipline of the regiment; that the artillery company and troop of horſe, belonging to each diviſion or brigade, ſhall meet at ſuch times and places as ſhall be appointed for that purpoſe, by the major-general or commanding officer of the diviſion.

Court martial, of whom to consist, and judge advocate, how to be appointed, who is to tender a certain oath to the members of the court.

IV. *And be it further enacted*, That a court-martial shall consist of thirteen commissioned officers, who shall appoint their own judge advocate, which judge advocate, shall tender to each member, and each member is hereby required to take the following oath, "You ——, do swear, that you will, well and truly try and determine according to evidence, the matter now depending between the people of the state of New-York, and the person and persons to be tried, and you do further swear, that you will not divulge the sentence of the court, until the same shall be approved or disapproved, pursuant to the act, entitled, An act to organize the militia of this state, neither will you, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, by a court of justice in a due course of law, so help you GOD." And the president is hereby authorised, to tender to the judge advocate, who is hereby enjoined to take the following oath, "You ——, do swear, that you will not, upon any account, or at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court martial, unless required to give evidence thereof, as a witness by a court of justice in a due course of law; and that you will not divulge the sentence of this court, until the same shall be approved or disapproved, pursuant to the act, entitled, An act to organize the militia of this state, so help you GOD;" and it shall and may be lawful, for the president of any such court, after he shall have received notice of his appointment, and he is hereby required, on application, to issue his precept, directed to any witness or witnesses to be summoned, commanding his, her or their attendance, at the time and place appointed for such court to set, to give evidence in behalf of the people of this state, or for the person or persons to be tried (as the case may be) and such witness or witnesses being summoned and making default, shall incur the like fines and forfeitures as are inflicted on witnesses, for their default, by the ninth section of the act for the more speedy recovery of debts, to the value of ten pounds, passed the seventeenth day of April, one thousand seven hundred and eighty-seven; and the president of any such court-martial, shall be, and he is hereby impowered, to administer the usual oath to such witnesses as shall come to give evidence to such court, during the time he shall be president thereof; and that if any officer shall be arrested by virtue of this act, the charge shall particularly be set forth in writing, and signed by the arresting officer, a copy whereof shall be delivered to such officer so arrested, or left at his usual place of abode, within three days after such arrest; and the person so arrested, shall not be held to answer to any matter whatever, not set forth in such charge; that every commissioned officer, who shall be convicted by a general court-martial, of having refused or neglected to perform any of the duties of his office, shall be punished, according to the nature and degree of his offence, at the discretion of the said court, either by fine or removal from office. Provided, no fine shall exceed ten pounds, for the first offence, or fifty pounds for any subsequent offence, and every such fine shall be levied and collected by warrant, under the hand and

President to tender an oath to the judge advocate.

President of the court may issue his precept for summoning witnesses.

Witnesses so summoned and making default subject to a penalty.

President impowered to administer oaths to witnesses.

When any officer is arrested, a copy of the charges shall be delivered to him.

Every officer who shall be convicted, to be punished by fine or removal.

Fines not to exceed a certain sum, and how to be collected.

seal of the officer, having instituted the court-martial, or in his absence, by the commanding officer of the division, if such court-martial was formed from the division, or by the commanding officer of the brigade, if such court-martial was formed from the brigade, directed to any one adjutant of the brigade, or person acting as such, to which such officer, on whom such fine is imposed may belong, in like manner as the fines hereinafter mentioned, to be recovered of the non-commissioned officers and privates, for neglect or refusal of duty. That the proceedings and sentence of every court-martial, by which any officer shall be removed from office, shall be in writing, signed by the president thereof, and shall by him be delivered to the commanding officer of the division or brigade, as the one or the other may have instituted the court martial, to be by him transmitted to the commander in chief of this state, who shall approve or disapprove of the same in orders; and that all other proceedings and sentences of courts-martial, shall also be in writing, signed by the president thereof, and by him be delivered to the commanding officer of the division or brigade (as the case may be) who shall approve or disapprove of the same in orders. Provided, That no sentence of a court-martial on a general officer, shall go farther than removal from office. That all sentences of courts-martial, by which any officer shall be removed, and which shall be approved by the commander in chief of this state, shall, by him, from time to time, be laid before the council of appointment, to the end, that the person administring the government of this state, for the time being, by and with their advice and consent, may appoint others instead of the officers, so removed from office.

Proceedings and sentence of a court martial to remove an officer, to be transmitted to the commander in chief for his approbation or disapprobation.

All other proceedings and sentences to be transmitted to the commanding officers of the division or brigade for their approbation or disapprobation.

Proviso.

All sentences of removal, confirmed by the commander in chief, to be laid before the council of appointment.

V. *And be it further enacted*, That courts-martial, for the trial of general officers, shall be ordered by the commander in chief of this state, and shall consist of general and field officers, taken from a roaster, to be kept by the adjutant general, for that purpose: That courts-martial, for the trial of field officers, shall be ordered, by the commanding officer of the division, and shall consist of commanding officers, of brigades, field officers, and if requisite, of captains. That courts-martial, for the trial of officers, below the rank of field officers, shall be ordered, by the commanding officer of the brigade, and shall consist of field officers, and others of inferior rank. That courts-martial, for the trial of non-commissioned officers and privates, shall be ordered, by the commanding officer of the regiment, and shall consist of officers, not of the rank of field officers; that roasters shall be kept by the proper officers, from which such courts-martial shall be formed; that the sentence of every court-martial, shall be approved or disapproved by the officer having instituted the same, saving to the party tried, an appeal to the commander in chief to whom the sentence of every general court-martial shall be reported without delay.

Courts-martial for the trial of officers by whom to be ordered, and of whom to consist.

VI. *And be it further enacted*, That every non-commissioned officer, who shall neglect to warn the men to appear at any rendezvous mentioned in this act, when thereunto required by his captain or comanding officer, without sufficient excuse, shall forfeit the sum of two pounds. That every non-commissioned officer or private, who shall neglect to

Fine on non-commissioned officers for neglecting to warn men, when thereunto ordered.

Fine on every person for neglecting to attend when so warn-

ed, or attending not properly armed.

appear when warned in purſuance of this act, without ſufficient excuſe, ſhall, for every day he neglects to appear at the regimental or battalion rendezvous, forfeit the ſum of ſixteen ſhillings; and for every day he neglects to appear at the company parade, forfeit the ſum of eight ſhillings, and if he ſhall not be armed and equipped, according to the directions of this act, when ſo appearing, without ſufficient excuſe, he ſhall, for every deficiency, forfeit the ſum of one ſhilling, and appearing without a muſket, the ſum of four ſhillings. Provided always,

Proviſo, no fines to be levied until the perſon fined ſhall have been ſummoned before a board of officers, to ſhew cauſe why he ſhould not pay the fine.

And all ſuch fines as ſhall be confirmed by ſuch board, how to be levied and collected.

That none of the fines aforeſaid, or any other, ariſing from offences in a regiment or company thereof, any company of artillery or troop of horſe, other than for diſobedience of orders under arms, ſhall be levied on any delinquent, until he ſhall have been ſummoned to appear before a board of officers, to be inſtituted as herein after directed, that he may ſhew cauſe why ſuch fine ſhould not be levied, and all fines which ſuch board ſhall determine as proper to be exacted, ſhall be levied by warrant from the preſident of ſuch board, to one or more ſerjeants or corporals of the regiment or company, to which the offender belongs, whoſe duty it is hereby made to collect the ſame, by diſtreſs and ſale of the goods and chattels of the offenders reſpectively. And in caſe any ſuch defaulter, ſhall live with his father or mother, or ſhall be then an apprentice or indented ſervent, the maſter or miſtreſs, or father or mother (as the caſe may be) ſhall be liable to pay the ſaid fine, with coſts, and in default of payment, the ſaid ſerjeant or corporal, ſhall levy the ſame upon the goods and chattels of ſuch father or mother, or maſter or miſtreſs;

When fines are collected, how to be applied.

and all fines ariſing from any offences within any brigade, ſhall, when recovered, be paid to ſuch perſon as the commanding officer of the brigade ſhall appoint for the purpoſe, and as much thereof ſhall be appropriated, by the order of the ſaid commanding officer, as he ſhall think proper, for the purchaſe of ſuch colours, drums and fifes, for the different corps in the brigade, as may be requiſite, and the reſidue, if any there be, for the purpoſe of purchaſing ſuch arms, as are deſignated in the firſt ſection of the act herein before recited, to be depoſited as the ſaid commanding officer ſhall direct, to be delivered, in caſe of invaſion or inſurrection, to ſuch of the militia of the brigade as may be deſtitute of arms, to be returned whenever thereupon required by the commanding officer of the brigade, regiment or company, and in caſe any or either of the ſaid ſeajeants or corporals, to whom ſuch warrants ſhall be directed as aforeſaid, ſhall neglect his duty in the premiſes, he ſhall, for every ſuch neglect, forfeit the ſum of twenty-four ſhillings, to be levied and collected, in manner aforeſaid, by a like warrant; which monies, when collected, ſhall be paid and appropriated in manner aforeſaid, and that it ſhall be the duty of the perſon, receiving ſuch fines, once in every year, to render an account to the brigadier or officer commanding the brigade, of all his receipts and expenditures, in purſuance of this act.

Perſons receiving fines, how to account for the ſame.

VII. *And be it further enacted*, That the commanding officer of a brigade, ſhall inſtitute as many boards of officers, each to conſiſt of not leſs than three, nor more than five, as there are regiments in his brigade, who ſhall, from time to time, convene at ſuch place and at ſuch times as the commanding officer of the brigade ſhall direct; to the preſident of each of which boards, all returns of delinquents, from the corps deſignated in the brigade, orders ſhall be made,

Boards of officers for examining into fines, how to be inſtituted, and their duties.

which preſident ſhall direct the delinquents, on a day and at a place certain to be ſummoned to appear before the ſaid board, and to ſhew cauſe why the fines incurred by them ſhould not be levied, and it ſhall be in the diſcretion of ſuch board to cauſe the fines to be levied in manner aforeſaid, either in the whole, or mitigated in their diſcretion, or remitted, and for ſuch as the board ſhall direct to be levied, warrants ſhall iſſue in manner herein before directed.

Commander in chief, in caſe of invaſion or emergency in this or a neighboring ſtate, may order out the militia into actual ſervice.

VIII. *And be it further enacted*, That the commander in chief of this ſtate, for the time being, may, in caſe of invaſion or other emergency, when he ſhall judge it neceſſary, order out any proportion of the militia of this ſtate, to march to any part thereof, and continue as long as he may think neceſſary, and likewiſe may, in conſequence of an application from the executive of any of the United States, on an invaſion or inſurrection, or an apprehenſion of an invaſion of ſuch ſtate, at his diſcretion, order any number of the militia, not exceeding one third part thereof to ſuch ſtate. Provided, That they be not compelled to continue on duty out of this ſtate, more than forty days, at any one time; that while in actual ſervice, in conſequence of being ſo called out, they ſhall receive the ſame pay and rations, and be ſubject to the ſame rules and regulations as the troops of the United States of America.

Certain deſcriptions of characters exempted from militia duty.

IX. *And be it further enacted*, That in addition to perſons exempted from militia duty, by the law of the United States herein before recited, there ſhall be, and hereby are exempted, by this act from ſuch duty as aforeſaid, the following perſons, viz. the lieutenant governor of this ſtate; members of both houſes of the legiſlature of this ſtate and their reſpective officers; the chancellor; the chief juſtice and other juſtices of the ſupreme court; judge of the court of probates, and all other judicial officers of this ſtate; ſecretary, treaſurer, attorney-general and auditor for this ſtate; ſurveyor general; regiſter and clerks of courts, ſheriffs, coroners, conſtables and gaolers; two ferrymen, employed to each boat; the ſurrogates in the ſeveral counties; all miniſters and preachers of the goſpel; phyſicians and ſurgeons, except in their ſeveral profeſſions and callings; the profeſſors, teachers and ſtudents, in the colleges and academies within this ſtate; all ſchoolmaſters, engaged for at leaſt three months; all poſt-riders; the actual attendant of every griſt-mill, and all firemen, belonging to companies now eſtabliſhed, or which hereafter may be eſtabliſhed by law, within this ſtate; and alſo all perſons actually employed as overſeers; manufacturers and labourers at any furnace, forge or bloomery, for making iron; all ſuch perſons ſo employed at any furnace, for making iron caſtings; all ſuch perſons ſo employed at any glaſs-houſe, for making glaſs, during the time they are ſo actually employed, notwithſtanding their being above eighteen and under forty-five years of age.

Quakers exempted from militia duty, on paying 24s. per annum.

X. *And be it further enacted*, That all perſons, being of the people called Quakers, who would otherwiſe be ſubject to military duty, by virtue of this act, and who ſhall refuſe perſonal military ſervice, ſhall be exempted therefrom, on paying annually, the ſum of twenty-four ſhillings each, for ſuch exemption; ſuch ſum to be aſſeſſed on each of them reſpectively, by the aſſeſſors, and collected by the collectors of the diſtricts, wherein they reſpectively reſide, with the contingent charges of the county, and paid to the county treaſurer, who ſhall pay the ſame into the treaſury of this ſtate, to be applied towards the ſupport of the government, and it is hereby made the duty of every captain of

Every captain of infantry annually to make a liſt of all Quakers in his beat, who refuſe to bear arms.

infantry, within three months after he ſhall have received his commiſſion, and yearly and every year thereafter, on the firſt Tueſday in May in every year, to make a liſt of the names of all and every perſon and perſons within his beat, who being of the people called Quakers, ſhall neglect or refuſe, perſonally to perform military ſervice, and deliver ſuch liſt in the city of New-York, to

And to deliver the ſame to the ſupervi-ſors of the towns.

the clerk of the ſaid city, and in each of the other counties of this ſtate, to the ſupervi-ſors of the town where ſuch perſon or perſons, ſo neglecting or refuſing to perform military ſervice, ſhall reſpectively reſide; and the clerk of the ſaid city of New-York, ſhall forthwith, after receiving ſuch liſts, deliver the ſame to the mayor, aldermen and commonalty, of the ſaid city, in common council convened, and the mayor, recorder and aldermen, or the city of New-York, or any three of them, in the ſaid city, and the ſupervi-ſors, or a major part of

Who ſhall, at their firſt county meetings thereafter, cauſe tax liſts to be made out from the liſts ſo delivered to them and directed to the collectors, for collecting 24s. from each Quaker on ſuch liſt, and ſuch ſum how to be levied, collected and paid.

them, of each of the other counties of this ſtate reſpectively, ſhall, at their firſt meeting, after the delivery of ſuch liſts, cauſe tax liſts to be made out, according to ſuch liſts ſo delivered, with warrants thereon, under their hands and ſeals, directed to the collector of the ward or town in which ſuch perſons, named in ſuch liſts reſpectively reſide, for levying the ſum of twenty-four ſhillings, of the goods and chattels of each of the perſons named in the ſame liſts, and the ſaid collectors are hereby reſpectively authoriſed and required, to demand and receive, of each of the perſons, named in ſuch tax liſt, the ſaid ſum of twenty-four ſhillings, and in default of payment, ſuch collector ſhall levy the ſaid ſum of twenty-four ſhillings, by diſtreſs and ſale of the goods and chattels of the perſon ſo neglecting or refuſing to pay the ſame, and in caſe any perſon, named in ſuch tax liſt, ſhall be under age, and live with his father or mother, ſhall be then an apprentice or ſervant, the maſter or miſtreſs, or father or mother (as the caſe may be) ſhall be liable to pay the ſaid ſum of twenty-four ſhillings, for ſuch perſon ſo under age, and in default of payment, the collector ſhall levy the ſame, by diſtreſs and the ſale of the goods and chattels of ſuch father or mother, maſter or miſtreſs; and the ſaid reſpective collectors, ſhall reſpectively, pay the ſaid monies to the city or county treaſurer, deducting their fees for collecting, on or before the firſt Monday in January, in every year, and the county treaſurers, ſhall reſpectively pay the ſame to the treaſurer of this ſtate, deducting his fees for receiving the ſame, on or before the firſt Monday in March in every year; and the collectors and county treaſurers, ſhall have the like fees for collecting and receiving the ſaid monies, as they are reſpectively entitled to, for collecting and receiving the monies raiſed for defraying the neceſſary and contingent charges of the ſaid city or counties.

Fees to county treaſurer and collectors, for receiving and collecting the ſame.

And whereas from the diſperſed ſituation of the inhabitants, reſiding within the counties of Otſego, Tioga, Herkemer, Ontario and Clinton, they would be ſubject to great expence and difficulty, if they were obliged to attend regimental parades; Therefore,

Regimental parades in certain counties to be directed by the major generals.

XI. *Be it further enacted*, That it ſhall and may be lawful for the militia of the ſaid counties of Otſego, Tioga, Herkemer, Ontario and Clinton, to rendezvous by regiments or battalions as the major general or commanding officer of the diviſion may direct.

Major generals, brigadiers and officers commanding regi-

XII. *And be it further enacted*, That it ſhall and may be lawful to and for any major general of a diviſion, or commanding officer of a brigade, or commanding officer of

ments, in case of invasion, may order out the militia under their command, &c.

a regiment, when and as often as any invasion may happen, to order out the militia or any part thereof, under their respective commands, for the defence of this state, giving notice of such invasion and every circumstance attending the same, as early as possible, to their immediate commanding officer, by whom such information shall be transmitted with the utmost expedition, to the commander in chief of this state. And that in cases of insurrections, the commanding officer of the regiment, within the limits of which any such insurrection may happen, shall immediately assemble his regiment under arms, and having transmitted information thereof to the commanding officer of the brigade, and to the commander in chief of this state, shall proceed to take such measures, to suppress such insurrection, as to any 3 of the judges or justices of the county in which such insurrection shall happen, shall appear most proper and effectual. And if any person be wounded or disabled, while in actual service of this state, in opposing any invasion or insurrection, or in suppressing the same, he shall be taken care of and provided for, at the expence of this state. Provided always, That if such judges or justices, shall deem a greater number of militia requisite to quell such insurrection, they shall, and are hereby required to apply for the same to the commanding officer of the division, or any brigade thereof, who are hereby severally required to obey such requisition.

Any person wounded in opposing an invasion or insurrection, to be provided for by the public.

Fine to be imposed on every non commissioned officer and private, for refusing to obey their officers while under arms, &c.

XIII. *And be it further enacted*, That every non-commissioned officer and private, who shall neglect or refuse to obey the orders of his superior officer while under arms, shall forfeit twenty shillings for every such offence, and if any such non-commissioned officer or private, enrolled to serve in either of the companies mentioned in this act, shall refuse or neglect to perform such military duty or exercise as he shall be required to perform, or shall depart from his colours or guard without the permission of his superior officer as aforesaid, he shall forfeit the sum of twenty shillings, and for the non payment thereof, the offender shall be committed to gaol, by warrant from the captain or commanding officer of the troop or company then present, to which such offender doth belong, there to be confined until the fines as aforesaid, together with the gaoler's fees are paid; and the respective sheriffs of the respective cities and counties of the state, are hereby empowered and required, to receive the body or bodies of any offender or offenders, as shall be brought to them, by virtue of a warrant or warrants, under the hand and seal of any officer, by virtue of this act, and him or them to keep in safe custody, until such fines as are mentioned in such warrant, together with the gaoler's fees as aforesaid, shall be paid, or until the said offender or offenders shall be discharged by due course of law, and the sheriffs and gaolers respectively, shall be allowed the same fees as are allowed in other cases. Provided, That in case of a military guard, where a captain doth not command in person, a warrant granted by an inferior officer, who shall have the command of such guard, shall be of the same authority against all offenders, as if such warrant had been issued by such captain.

Military uniform of this state described.

XIV. *And be it further enacted*, That from and after the first day of January next, the military uniform of this state, shall be as follows, that is to say: General officers, dark blue coats with buff facings, linings, collars and cuffs, and yellow buttons, with buff under cloaths; regimental and staff officers, dark blue coats with white linings, scarlet facings, collars and cuffs, and yellow buttons, with

white under cloaths; non-commissioned officers and privates of the grenadier and light infantry companies, dark blue coats with white linings, scarlet facings, collars and cuffs, yellow buttons and white under cloaths.

Militia of certain counties may be uniformed in rifle frocks.

XV. *And be it further enacted*, That it shall and may be lawful, to and for the major general or commanding officer of any division respectively, in the counties of Montgomery, Otsego, Tioga, Herkemer, Ontario and Clinton, if he shall deem it expedient, to direct the light infantry and riflemen of such division, to uniform themselves in rifle frocks and overalls.

All commissioned officers appointed, to report their acceptance.

XVI. *And be it further enacted*, That every commissioned officer, who shall from time to time be appointed, shall report his acceptance of the office, within ten days after having received notice thereof, to such officer or officers as the commander in chief shall from time to time direct.

Certain persons exempted from military duty.

XVII. *And be it further enacted*, That all persons who have heretofore been commissioned officers in the line of the army of the United States, and all officers who have served in the militia of levies of this state, or in the militia or levies of any of the United States, or in the militia or levies of the late colony of New-York, shall be, and hereby are exempted from serving in the militia of this state, any thing in this act to the contrary notwithstanding. Provided nevertheless, That if any such officer shall be commissioned in the militia, to a rank equal to that which he held in the said army, militia or levies, and shall refuse to accept such commission, such officer, so refusing without giving satisfactory reasons to the council of appointment for such refusal, shall be liable to serve in the militia. And provided also, That this exception shall not extend to any such persons being officers, who have gone over to and joined the enemy in the late war. Provided also, That no commissioned officer shall resign his commission, without first making application to the major general, or commanding officer of the division to which he belongs, and stating his reasons in writing for the same, which resignation and reasons, shall be transmitted by the said commanding officer, to the commander in chief of the militia of this state, together with his opinion thereon, and in case any officer sends in his resignation to the commander in chief, and the same be accepted by the council of appointment, without having pursued the mode herein prescribed, such officer shall be liable to do duty in the militia as a private.

Militia officers under the former laws, to continue in their offices until otherwise directed by the council of appointment.

XVIII. *And be it further enacted*, That the officers of the militia, under the existing militia laws of this state, shall be, and hereby are continued in their respective offices under this act, until the person administring the government of this state for the time being, and council of appointment, shall otherwise determine.

XIX. *And be it further enacted*, That from and after the seventh day of October next, the act entitled, An act to regulate the militia, passed the fourth day of April, one thousand seven hundred and eighty six, and the act entitled, An act to amend an act, entitled, An act to regulate the militia, passed the eighteenth day of April, one thousand seven hundred and eighty seven, and the thirty first section of an act entitled, An act directing the settlement of public accounts, and for other purposes therein mentioned, passed the 22d day of March, one thousand seven hundred and eighty eight, be and hereby are repealed.

CHAP. XLVI.

An ACT *concerning the Settlement of Lands, and for Prolonging the Time for Payment of Quit-Rents.*

Paſſed 9th March, 1793.

BE *it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly, and it is hereby enacted by the authority of the ſame,* That the ſecretary of this ſtate for the time being, ſhall, and he is hereby enjoined, as ſoon as conveniently may be after the firſt day of January, one thouſand eight hundred and one, to make out an abſtract of all lands granted by letters patent, under the great ſeal of this ſtate, which contain a condition of actual ſettlement, ſpecifying the time limited in and by ſuch letters patent for ſuch actual ſettlement, and ſhall deliver ſuch abſtract to the ſurveyor general for the time being, who ſhall, and he is hereby enjoined, without delay, after the day above mentioned, to make enquiry, and if he ſhall find that any of ſuch lands, granted on the condition aforeſaid, ſhall not then be ſo actually ſettled, he ſhall give notice thereof to the attorney general of this ſtate for the time being, who ſhall, without delay, cauſe a writ to be iſſued out of the court of chancery, and directed to the ſheriff of the county in which the ſame land ſhall be ſituated, in the form following: The people of the ſtate of New-York, to the ſheriff of greeting: Whereas, by our letters patent, under our great ſeal, bearing date (reciting the ſame letters patent) and becauſe we are informed that ſuch ſettlement or ſettlements, as the caſe may be) as the law requires, hath not (or have not, as the caſe may be) been made thereon, by reaſon whereof the ſame lands ought to revert to us: Therefore we command you, that by the oath of twelve good and lawful men of your bailiwick, you diligently inquire whether ſuch ſettlement (or ſettlements, as the caſe may be) hath (or have, as the caſe may be) been made on the ſaid lands, or on any and what part thereof, as the law requires; and the inquiſition which you ſhall take thereof, do you ſend under your ſeal, and the ſeals of thoſe by whoſe oath you take the ſame inquiſition, before us in our court of chancery, without delay, whereſoever the ſaid court ſhall then be, together with this writ: And the ſheriff ſhall, upon receiving ſuch writ, affix a copy thereof upon the front door of the court-houſe, or place where the courts of common pleas and ſeſſions of the peace in his county were then laſt held, with a notice of the time when, and place where, the ſame writ is to be executed, which time ſhall not be leſs than ſixty days from the time of affixing the ſame notice in the manner aforeſaid; and upon the return of the ſame writ, any perſon aggrieved by the inquiſition thereupon taken, may traverſe the ſame; and when any iſſue ſhall be joined thereupon, the record thereof ſhall be ſent into the ſupreme court of judicature of this ſtate, there to be tried and determined according to law; and if judgment ſhall be given thereupon for the people of this ſtate, then a writ ſhall be iſſued out of the ſame ſupreme court to the ſheriff of the ſame county, commanding him to ſeize and take the lands found to be ſo unſettled, into the hands of the people of this ſtate; but if no ſuch traverſe ſhall be taken to ſuch inquiſition, within three terms after the return of the ſame inquiſition, then ſuch writ ſhall immediately thereafter be iſſued out of the court of chancery, commanding the ſheriff to take and ſeize the lands found by the inquiſition to be ſo unſettled, into the hands of the people of this ſtate, and upon the return of ſuch writ of ſeizure, the attorney general ſhall cauſe the record and proceſs to be exemplified under the ſeal of the court out of which the ſame writs of ſeizure iſſued, and depoſit ſuch exemplification in the office of the ſecretary

of this ſtate; and all ſuch lands ſo found to be unſettled ſhall be thereafter di poſed of and appropriated in ſuch manner, and for ſuch purpoſes, as th legiſlature ſhall direct.

II. *And be it further enacted by the authority aforeſaid*, That the time mited for the payment of quit-rent, and commuting therefor, paſſed th twenty-fourth day of March, one thouſand ſeven hundred and ninety on be, and is hereby, prolonged until the firſt day of May, one thouſand ſeve hundred and ninety ſix, on the terms and conditions mentioned in the ſa act.

III. *And be it further enacted by the authority aforeſaid*, That the ſurve or general of this ſtate for the time being, ſhall, and he is hereby enjoine as ſoon as may be after the firſt day of January, one thouſand ſeven hu dred and ninety eight, to make enquiry if any lands within this ſtate, whi were granted while this ſtate was the colony of New-York, by letters pate under the great ſeal of the ſaid colony, and which, amongſt other ſtipul tions, if any, were granted on condition that actual ſettlements and i provements ſhould be made on the lands ſo granted, within the time ſpe fied and limited by ſuch letters patent; and if the ſaid ſurveyor general ſh diſcover that lands granted under the condition aforeſaid have not been ſettled and improved before the day above mentioned, then, and in eve ſuch caſe, he ſhall make report thereof to the attorney general of this ſt for the time being, who ſhall then, as ſoon as may be, proceed for the r covery thereof to the people of this ſtate, in like manner as is mention and directed in the firſt enacting clauſe of this act with reſpect to lan granted under the great ſeal of this ſtate. Provided always, that nothing the laſt preceding ſection mentioned ſhall extend to any lands for which t quit-rent and commutation for quit-rents ſhall have been paid, or may her after be paid, in conformity to law.

CHAP. XLVII.

An ACT *to encourage certain Cotton, Linen, and Glaſs Manufactorie within this State.*

Paſſed 9th March, 1793.

WHEREAS cotton, linen, and glaſs manufactories, have been eſta liſhed within this ſtate: And whereas it is proper to encoura the ſame by a loan of money to the proprietors thereof; Therefore,

Be it enacted by the people of the ſtate of New-York, repreſented in ſenate a aſſembly, That the treaſurer of this ſtate be, and he is hereby, authoriſe and directed, out of any unappropriated monies that may be in the treaſu after the firſt day of July next, to advance on loan to Andrew Stockho and David Dickſon, a ſum not exceeding three thouſand pounds. Provide That the ſaid Andrew Stockholm and David Dickſon ſhall at the ſame ti enter into bond to the ſaid treaſurer, conditioned for the faithful payme of ſuch ſum as ſhall be loaned to them by virtue of this act, in eight ye from the date of the ſaid obligation, together with intereſt for the ſame the rate of five per cent. per annum, to commence at the expiration of th years after the date of the ſaid obligation, and thereafter to be paid annuall and that the ſaid Andrew Stockholm and David Dickſon ſhall alſo duly e ecute to the ſaid treaſurer, a good and ſufficient mortgage upon ſuch un cumbered real eſtate as the ſaid treaſurer, together with the attorney gene the auditor and ſurveyor general, or together with any two of them, ſh

ink sufficient for securing the said money, with the interest on the same aforesaid; which said mortgage the treasurer is hereby directed to get ly recorded, and to hold the same for the use of the people of the state; d that the treasurer, in like manner, on like terms and conditions, and like security, out of such monies in the treasury as aforesaid, pay unto mes Caldwell and Robert M'Clallen the sum of three thousand pounds.

CHAP. XLVIII.

n ACT *supplementary to, and to amend an Act, entitled,* "*An Act for surveying and establishing certain Lines, and dividing certain Lots in the Hardenburgh Patent,*" *passed the twenty ninth March, one thousand seven hundred and ninety.*

Passed 9th March, 1793.

WHEREAS, by the act for surveying and establishing certain lines, and dividing certain lots in the Hardenburgh patent, passed the 29th March, one thousand seven hundred and ninety, Christopher Tappen d James Cockburn were appointed commissioners to carry into effect rtain purposes therein mentioned: And whereas the said Christopher appen hath set forth, by his petition, that the said James Cockburn hath ed previous to the completion of the duties enjoined on the said commissioners, by the fourth section of the said act, whereby several lots of nd, that were advertised for sale, remain unsold, and several lots sold, for hich no deeds of conveyance have been executed by the said commissioners; For remedy whereof,

Be it enacted by the people of the state of New-York, represented in senate and sembly, and it is hereby enacted by the authority of the same, That the said hristopher Tappen be, and he hereby is authorised and empowered to ake and execute deeds of conveyance for such lots as may have been sold, d to dispose of, make and execute deeds of conveyance for such lots as mained unsold by the said commissioners, agreeably to the direction conined in the said fourth section; which sales and conveyances shall be as fectual and binding on the parties, as if they had been made by the said mmissioners, in the life-time of the said James Cockburn, any act to the ntrary notwithstanding.

CHAP. XLIX.

n ACT *further to amend the Law relative to Lock Navigation within this State,*

Passed 9th March, 1793.

WHEREAS petitions have been presented to the legislature, praying for sundry amendments to the act, entitled, An act to amend act, entitled, An act for establishing and opening lock navigations within s state: And whereas the president of the board of directors of the west- n and northern inland lock navigation companies in their behalf, has sigied to the legislature, that in his opinion the alterations herein after speci- d, may be made without materially injuring the important object for hich the said companies were instituted; Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate d assembly,* That the president and directors of the said companies shall t take and occupy a greater extent of land on each side of any canal, e, or other work, incident to the object for which they were incorpo-

rated, than twenty feet beyond such work, except where any lock shall be placed, in which case they may take and occupy to the distance of one hundred feet from the side of such lock, for the whole length of such lock, and for the distance of one hundred feet above and below such lock, if in their discretion they shall deem that extent requisite; and also except where a bridge is to be placed over any canal, in which case they may take and occupy one hundred feet from such canal, and for a space as wide as such bridge, if in their discretion they shall deem such extent requisite.

II. *And be it further enacted*, That in all cases where it shall be requisite to appropriate any lands on which there may be any house or houses, or other buildings, or to appropriate any lands which shall reach to, or approach to or within fifty feet of any house or other building, which shall then be erected on a part of the land so to be appropriated by the said company, the president, or an agent of such company, shall give thirty days notice to the owner or owners, occupant or occupants thereof, before the president and directors of such company, or any or either of their agents shall take, use, or occupy such land, any thing in this or any other law to the contrary notwithstanding.

III. *And be it further enacted*, That in every dam that shall be constructed in the river Hudson, by the said company, an apperture shall be so constructed as that not only rafts may descend with facility and safety, but that fish may ascend the river there-through or thereon; and that no toll shall be taken for the passage of such rafts, nor any contrivance for taking fish by nets or otherwise, shall be placed at such apperture, by the said president and directors, or by any other person whomsoever, to impede or take fish at such apperture, or within five hundred yards above or below such apperture. Provided always, That it shall be optional with the president and directors of the said company, to permit the passage of rafts or not as they shall deem proper, through any canal, lock or other work to be erected or made, in or by the river Hudson as aforesaid, other than through or over any dam in the said river; and if such permission shall be granted, the party giving and the party requiring the same, shall agree upon the quantum of toll for such rafts without any regard to the limitation of toll stipulated in the original act, by which the said company was incorporated.

CHAP. L.

An ACT *concerning Conveyances by British Subjects.*

Passed 9th March, 1793.

WHEREAS great difficulties have arisen in proving deeds of conveyance and powers of attorney, for the sale or disposition of lands lying within this state, made by British subjects, actually residing within the kingdom of Great Britain, to citizens of this state; For remedy whereof,

Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That all acknowledgments and proofs of such deeds and conveyances, to a citizen of this state, of any lands tenements, or hereditaments, situate in this state, or any power of attorney, relating to the sale or disposition of the same, taken or made, or hereafter to be taken or made, before the mayor of the city of London for the time being, and duly certified under the seal of the office of mayoralty of the said city of London, shall be of the like validity and force as if the same was taken or made before a judge of the supreme court of this state.

CHAP. LI.

An ACT *relative to the Lands appropriated by this State, to the use of the Oneida, Onondaga and Cayuga Indians.*

Passed 11th March, 1793.

I. BE *it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That Israel Chapin, John Cantine and Simeon De Witt, shall be, and they are hereby appointed agents on the part of the people of this state, for the purposes herein after mentioned, that is to say; to convene the Indians of the Oneida, Onondaga and Cayuga nations, severally, and at their usual place of residence, and being so convened, to propose to the said nations severally, that they should quit claim to the people of the state, so much of the rights reserved to them, in the lands appropriated to their use by this state, as they may think proper to dispose of, and that for every square mile of the lands to which the rights so by them to be quit-claimed, the people of the state shall pay the said Indians an annuity, not exceeding the sum of five dollars in perpetuity, the first payment whereof shall be made on the execution of such quit-claim by the said Indians; that the lands to which the rights shall be so quit-claimed, shall be surveyed at the expence of the people of this state, in the presence of such Indians as chuse to attend, and of such persons as they may appoint to attend and inspect such survey. That the said agents shall propose to the said Indian nations severally, to appoint a time and place, when and where the said annuity, and that which they are already severally entitled to shall hereafter be paid. That the said agents shall propose to the said Indian nations severally, that the attorney general of this state, for the time being, and the clerk and the treasurer, for the time being, of the county in which any of the lands, the rights to which the said Indians may chuse to retain, shall be situated, and the successors in office of the said officers, shall be vested with the property, the rights whereof the said Indians shall chuse to retain, as trustees for the said Indians, to prevent any encroachments on the said rights and property, and to bring suits for trespasses thereon, and to prosecute the same to effect for the benefit of the said Indians; and in case the said Indian nations, or either of them, shall agree to such proposal, and shall convey the rights so to be retained, for the use of the said Indians to the said officers and their successors, then and from thenceforth, the said officers shall be vested with the said property, in the manner and for the purposes aforesaid.

Agents appointed to purchase from certain Indian tribes, all or any of the lands reserved to their use by this state.

Time and place to be appointed for the Indians to receive their annuity.

II. *And be it further enacted by the authority aforesaid,* That the treasurer of this state, for the time being, shall pay unto the said agents, or unto the order of any two of them, a sum not exceeding three thousand five hundred dollars, out of any monies in the treasury, not otherwise appropriated, out of which sum, the said agents shall pay the first annuities in manner herein before mentioned, and also such reasonable charges incident to the due execution of the trust reposed in them by this act as shall accrue, and having made such payments, shall account with the auditor of this state, for the time being, and repay the balance, if any, into the treasury. Provided always, *And be it further enacted,* That if the said commissioners shall purchase or obtain a grant of the said Indians, for the said reservations, for and in behalf of the

Treasurer to pay 3500 dollars to the order of said agents, for paying the first annuity, &c.

None of said lands to be located by any person, sold or granted, until further provision is made by law.

people of this ſtate, it ſhall not be lawful for any perſon or perſons whoſoever, to make any locations on the ſaid reſervations, or for the commiſſioners of the land office to ſell or grant the ſame in any manner whatſoever, without further proviſion by law, any thing in any law to the contrary thereof in any wiſe notwithſtanding.

Any two of ſaid agents to be a quorum, and retain 20s. per day for their ſervices.

III. *And be it further enacted by the authority aforeſaid*, That any two of the ſaid agents ſhall be a quorum, to diſcharge any of the duties required of them by this act, and that it ſhall and may be lawful for the ſaid agents, to retain out of the monies entruſted them, for their ſervices and expences, the ſum of twenty ſhillings per day, for each day they ſhall ſeverally be actually employed in the ſervice committed to them.

Agents may agree with the Indians for making roads through any lands retained by ſaid Indians.

IV. *And be it further enacted by the authority aforeſaid*, That it ſhall and may be lawful for the ſaid agents, and they are hereby directed to make ſuch agreements and ſtipulations with the ſaid Indian nations ſeverally, as they may think neceſſary, for making ſuch public roads, through ſuch parts of the lands, the rights whereof are to be by them retained as aforeſaid, as may be neceſſary and proper.

V. *And be it further enacted by the authority aforeſaid*, That as ſoon as the ſaid agents ſhall have performed what by this act is enjoined on them, they ſhall make a written report of all their proceedings in the premiſes, to the perſon adminiſtring the government of this ſtate, for the time being, to be by him laid before the legiſlature at their next meeting, after ſuch report ſhall have been made.

CHAP. LII.

An ACT *for the Payment of certain State Agents Certificates.*

Paſſed 11th March, 1793.

WHEREAS, by the firſt ſection of the act, entitled, An act to authorize the treaſurer of this ſtate to pay to ſundry perſons the ſeveral ſums of money therein mentioned, paſſed the ſixth day of April, one thouſand ſeven hundred and ninety two, it is enacted, that all perſons holding certificates iſſued by Udney Hay, ſtate agent, and counterſigned by any one of his aſſiſtants, for ſupplies furniſhed, or ſervices performed, in purſuance of an act, entitled, An act to procure ſupplies for the uſe of the army, and to prevent a monopoly of cattle within this ſtate, and more effectually to prevent ſupplies of cattle to the enemy, paſſed June the twenty-fourth, one thouſand ſeven hundred and eighty, ſhall, on or before the firſt day of December next, preſent the ſame to the auditor for this ſtate, who is hereby required to examine the evidence in ſupport of the ſame, and in ſuch caſes where the perſons producing the certificates ſhall offer evidence to the ſatisfaction of the auditor, that the ſupplies were furniſhed, or the ſervices performed for which the certificates were iſſued, he ſhall report the ſame, and deliver in the vouchers accompanying ſuch certificates to the legiſlature at their next meeting. And whereas ſundry ſuch certificates as aforeſaid have been preſented to the auditor, before the firſt day of December laſt, and ſeveral others of the like kind have been preſented to the legiſlature ſince that time, and referred to the auditor, which he hath reported on in favor of the claimants, as a juſt debt due from this ſtate: Therefore,

Be it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly, That the auditor for this ſtate ſhall, without delay, depoſit with the treaſurer of this ſtate, a juſt and true ſchedule, or accounts, of all ſuch ſtate agents certificates as have been by him examined, approved of, and reported to the legiſlature at this preſent ſeſſion; and the treaſurer of this ſtate is hereby authoriſed and required to pay out of any monies in the treaſury, not otherwiſe appropriated, unto the holders or bearers of ſuch certificates mentioned in ſuch ſchedule reſpectively, ſuch ſum or ſums of money, with intereſt to the firſt day of May, one thouſand ſeven hundred and eighty ſeven, as ſhall appear to be due thereon, in diſcharge of the ſame; and the ſaid treaſurer is hereby alſo directed to take a receipt from every perſon or perſons to whom he ſhall make ſuch payments as aforeſaid.

CHAP. LIII.

An ACT *to amend an Act, entitled,* "*An Act for laying out, repairing, and improving certain public Roads and Highways within this State.*

Paſſed 11th March, 1793.

WHEREAS Philip Van Cortlandt, Ebenezer Stevens, and Ebenezer Purdy, commiſſioners for laying out and improving the highway in the county of Weſtcheſter, have ſet forth, by petition, that they have explored the poſt road from Kingſbridge to the north line of the aforeſaid county, and find it impracticable to carry into effect the objects of the aforeſaid law, unleſs the route of the ſaid road, as it now runs, nearly in its whole extent, be changed, by which alteration material injury will be done to individuals, by paſſing through their improved lands, and thereby expoſe them to conſiderable expence and injury: And whereas they further ſet forth, that eſſential benefits would reſult to the community from the alteration of the ſaid poſt road as aforeſaid; Therefore,

I. *Be it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly, and it is hereby enacted by the authority of the ſame*, That it ſhall and may be lawful for the ſaid commiſſioners, in diſcharge of the truſt repoſed in them by the ſaid act, ſo to alter and change the direction of the preſent poſt road leading from Kingſbridge, through the manor of Philipſburgh, to the county of Dutcheſs, as they in their diſcretion ſhall deem beſt calculated to promote the intereſt and conveniences of the community; and that in every caſe where the road, ſo to be by them laid out, ſhall take a direction deviating from the preſent poſt road, they ſhall, out of the public monies entruſted to them, pay the damages which any perſon or perſons ſhall ſuſtain by any ſuch deviation, to be aſcertained in the manner directed by the act, entitled, An act for the better laying out and keeping in repair the public highways and private roads in the county of Weſtcheſter, paſſed the 24th of February, 1792, or by agreement with the proprietor or poſſeſſor. Provided always, That where ſuch deviation ſhall be carried over the property or poſſeſſion of any perſon through which the preſent poſt road now leads, and that it ſhall not be neceſſary to continue the ſame as a public highway, the value of the land occupied thereby ſhall be aſcertained by the ſame perſons authoriſed to value the damages occaſioned by ſuch deviation, and be ſet off againſt the ſaid damages. Provided alſo, *And be it further enacted*, That in caſe the ſaid commiſſioners ſhall expend in erecting the ſaid bridges, and repairing the ſaid road, any larger ſum of money than is allowed for

Commiſſioners may alter the direction of the preſent poſt road.

that purpose by this act, such excess shall be raised, levied, and collected, in the county of Westchester, as the other contingent charges of the said county are levied and collected.

Bridge to be built across Croton river.

II. *And be it further enacted by the authority aforesaid*, and it is hereby enjoined on the said commissioners for the county of Westchester, to proceed without delay to erect and compleat the bridge contemplated by the act hereby intended to be built across Croton river, and to consider the same as the first object, and they are hereby also enjoined to retain a sufficient sum in their hands for the said purpose.

Monies to be appropriated on the roads on Long-Island and Staten-Island.

And whereas the legislature have thought proper to direct a certain specific sum of the monies granted at the last session, for repairing and improving the roads and highways in the southern district, to be appropriated on the said roads on Long-Island and Staten-Island; Therefore,

Boards of commissioners to be appointed in certain counties.

III. *Be it enacted by the authority aforesaid*, That the supervisors for Suffolk county, for the time being, be, and they are hereby, authorised to appoint a board of commissioners, not exceeding three, for the said county; and that Abraham Ditmars, Timothy Cornwall, and John W. Seaman, shall be, and they are hereby appointed a board of commissioners for Queen's county; and that Aquilla Giles, Peter Vandervoort, and Jacob Sharpe, junior, shall be, and hereby are, appointed a board of commissioners for Kings county; and that Simon Swaine, Lewis Ryerse, and John Beedle, be, and hereby are, appointed a board of commissioners for Richmond county, for the purpose of erecting and constructing the bridges, and improving such roads or highways in the said counties respectively, as is directed in and by the act hereby amended, except that the commissioners hereby appointed shall not be obliged to improve the said roads with beds of stone covered with gravel, as directed by the said act, but in such manner as to them, or a majority of them respectively, shall appear best calculated to promote the public good.

Treasurer to pay to the commissioners the sums of money herein mentioned.

IV. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the treasurer of this state to pay unto the said boards of commissioners respectively, on the warrant of his Excellency the Governor, or person administring the government of this state for the time being, the following sums of money, that is to say, to the commissioners for Suffolk county, the sum of two hundred and twenty pounds; to the commissioners for Queens county, the sum of one hundred and seventy-five pounds; to the commissioners for King's county, the sum of one hundred and seventy-five pounds; and to the commissioners for Richmond county, the sum of eighty pounds, out of the monies directed to be paid to the commissioners for the southern district, in and by the said act; and that each of the said commissioners herein appointed shall be entitled to receive, for each day they shall be respectively employed in discharge of the trusts committed to them, for their services and expences, the like compensation, and to be raised and paid in like manner as is directed to be paid to the commissioners appointed in and by the said hereby amended act; and the said commissioners shall respectively account with the auditor for this state for the monies they shall receive from the treasurer by virtue of this act; and further, that the commissioners appointed in the southern district, in and by the last act aforesaid, are hereby discharged from the duties enjoined on them, so far forth

relates to the roads and bridges in the counties of Suffolk, Queens, Kings, nd Richmond. Provided always, *And be it further enacted by the authority aforesaid*, That the money herein before directed to be paid to the said commissioners for Kings county, shall be by hem applied to amending and repairing the public road leading from rooklyn ferry to Furman's tavern, on the said road; and the money to be aid to the commissioners for Queens county shall be by them applied to mending and repairing the public road leading from the said Furman's tavern o Jamaica, and from thence to and through the middle of the Great Plains; ny thing in this act, or the said recited act, to the contrary notwithstanding.

Particular roads to repaired.

And whereas the commissioners appointed by the act hereby amended, or erecting and constructing the bridges, and improving the roads or highways therein specified in the middle district, are directed to lay out and improve the post road from the south bounds of the county of Dutchess, as r north as the south bounds of the town of Fish-Kill: And whereas a mall part of the post road adjoining the bounds last aforesaid equally requires improvement; Therefore,

Commissioners to prove certain post ads.

VI. *Be it further enacted by the authority aforesaid*, That the commissioners in the said act named for the middle district, or a majority of them, shall lay out and improve the ost road, from the south bounds of the town of Fish-Kill aforesaid, as far orth as to the mouth of the high lands, being a small distance south of the welling-house of Isaac Van Wyck, in Fish-Kill aforesaid.

And whereas the commissioners appointed by the said act for the middle strict, are authorised and empowered to improve and repair a certain public oad or highway mentioned in the act aforesaid, leading from the house of enry Reynolds, in Smith's Clove, along, by or near the dwelling-house of rchibald Cunningham, in the said Clove, in the county of Orange, to the welling-house of Thomas Cooper, at the Indian fields; which road appears to the legislature not so advantageous for public use as some other direction might be from said Smith's Clove to the Indian Fields aforesaid; Therefore,

A road to be opened om Smith's Clove to e public road.

VI. *Be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said commissioners of the middle district, or any two of them, in the discharge of the ust reposed in them by the said act, so to open, improve and repair the said oad or highway, beginning at the dwelling-house of Henry Mapes, in mith's Clove, and leading in such direction from the house of the said enry Mapes to the public road, leading from New Windsor, along by the welling-house of the said Thomas Cooper, as the said commissioners, or the ajor part of them, shall judge most for the benefit of the public; any thing the act above mentioned to the contrary notwithstanding.

And whereas the inhabitants of the towns of Kingston, Hurley, Marbleown, Rochester, Newpaltz and Shawengunck, have erected a bridge across he Rosendall Kill or river, in the town of Hurley, in the county of Ulster. nd whereas it is represented to the legislature, a further sum of money will e requisite to compleat the said bridge; Therefore,

Commissioners of e middle district to mpleat the said idge.

VII. *Be it further enacted by the authority aforesaid*, That it shall be, and it is hereby made the duty of the said commissioners for the middle district, or a majority of them, to compleat the said bridge in like manner, and out of the moies by which they are by law directed to erect the bridges therein specified.

Sum to be appropriated to improve the roads.

VIII. *And be it further enacted by the authority aforesaid*, That it shall be, and it is hereby made the duty of the said commissioners for the middle district, or a majority of them to appropriate one hundred pounds towards improving the road which leads from the town of Kingston, in the county of Ulster, to Schoharie Kill, in the said county, out of the money which is appropriated by law to make and repair roads and bridges in the said middle district.

And whereas William North, Silas Tolbot and Theodorus Van Wyck Graham, or any two of them, are by the act hereby amended, appointed a board of commissioners for the purpose of erecting and constructing bridges and improving roads or highways, in the said act specified, in the western district of this state, and are directed to build and erect a bridge over the Owego creek near the mill belonging to James M'Master, in the town of Union and county of Tioga. And whereas the said commissioners reside at so great a distance from the place of building the said bridge, as to render the expence of their attending a great burthen on the county of Tioga; Therefore,

James M'Master & others, appointed to build said bridge.

IX. *Be it further enacted by the authority aforesaid*, That James M'Master, David Piexly, and Joshua Whitney, be, and they are hereby appointed commissioners, to erect and build a bridge over the Owego creek, near the mill belonging to James M'Master, in the town of Union, in the county of Tioga, and that the said William North, Silas Talbot and Theodorus Van Wyck Graham, be, and they hereby are discharged from building the said bridge; any thing in the act hereby amended to the contrary notwithstanding.

Commissioners first appointed to pay 30 l. to those last appointed for the purpose of building said bridge.

X. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said William North, Silas Talbot and Theodorus Van Wyck Graham, and they are hereby required to pay to the said James M'Master, David Piexly and Joshua Whitney, the sum of three hundred pounds, out of the sum of nine thousand four hundred and fifty pounds, directed by the act hereby amended to be paid to the commissioners of the western district, for the purpose of erecting the said bridge.

Allowance to commissioners for their services in building said bridge, &c.

XI. *And be it further enacted by the authority aforesaid*, That each of the commissioners aforesaid, shall be entitled to receive for their services, the sum of eight shillings every day they shall be respectively employed in the said business, to be paid by the county of Tioga aforesaid, and to be levied and paid, together with and in the same manner as the necessary and contingent charges of such county are raised, levied and paid, and that the said commissioners shall account with the auditor for this state, for the monies they shall respectively receive from the said commissioners by virtue of this act.

May at their discretion build the piers of bridges with stone or otherwise, &c.

XII. *And be it further enacted by the authority aforesaid*, That the several commissioners appointed to repair and improve certain public roads and highways in and by the act hereby amended, may, if they shall think necessary, dispense with building the piers with stone masonry, in every case where bridges may be erected by virtue of the said act, and to substitute any other mode of supporting any such bridges so to be erected, as they or a majority of them, may deem most for the public good; and in like manner the said commissioners shall not be obliged to cover any of the said bridges with timber or plank four inches thick, but shall have full power to cover any or all the bridges which they may so erect, with timber or plank, not less than three inches

ick, and also in like manner the said commissioners shall not be obliged to prove the roads with beds of stone covered with gravel, as mentioned in e said act hereby amended, but they may repair the same in such manner to them or a majority of them respectively, shall appear best calculated to omote the public good.

Money heretofore rected to be expend- for the western trict, to repair the d from the ninety le stone, &c. may otherwise applied, the discretion of d commissioners.

XIII. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the commissioners, appointed for the western district, by the act hereby amended, instead of applying any of the monies entrusted to them, for improving the road from the ninety mile stone, to the painted post, and from thence to the eastern bounds of the county of Ontario, as directed by the said act, shall lay out nd appropriate the same, for erecting such bridge or bridges, over any stream r streams of water, or to open and repair any road in the said county, as ey or a majority of them may, in their discretion, conceive to be most onducive to the public good, any thing in the said act to the contrary notithst nding.

CHAP. LIV.

An ACT *for the Relief of Hannah Van Dyne and others.*

Passed 11th March, 1793.

WHEREAS Hannah Van Dyne, widow of Douw Van Dyne, deceased, whose estate became forfeited to the people of this state, ath petitioned the legislature for her right of dower in the estate of the said ouw Van Dyne. And whereas it appears to the legislature, that the said annah Van Dyne is entitled to the sum of one hundred and eight pounds x shillings and eight pence, the amount of one third of the annual income f the estate of the said Douw Van Dyne, from the time of his death until he time of the passing of this act, and the further sum of one hundred and ighty one pounds fourteen shillings and four pence, the present value of an nnuity of twenty one pounds thirteen shillings and four pence on a single fe of fifty seven years (being the age of the said Hannah Van Dyne) calcuted on the principles referred to in the concurrent resolutions of both houses f the legislature of the third day of April last, amounting in the whole to he sum of two hundred and ninety pounds and one shilling; Therefore,

Be it enacted by the people of the state of New-York, represented in senate nd assembly, That the treasurer of this state shall, and he is hereby directed o pay to Hannah Van Dyne, or her legal representative (which said Hannah is the widow of Douw Van Dyne, deceased, whose estate became forfeited to the people of this state) the sum of two hundred and ninety pounds nd one shilling; and to Margaret Low, the widow of Isaac Low, the sum f one thousand and ninety three pounds eleven shillings and ten pence; nd to Sarah Wallace, the widow of Hugh Wallace, the sum of nine hunred and thirty four pounds, nine shillings and ten pence, together with er costs of suit to be taxed; and to Eva White, the widow of Henry White, eceased, the sum of nine hundred and fifty four pounds, seven shillings nd four pence; and to Phila Delancey, the widow of Oliver Delancey, eceased, the sum of one thousand and thirteen pounds two shillings; and o Sarah Fowler, the widow of Solomon Fowler, deceased, the sum of hree hundred and sixty three pounds, six shillings and three pence, toge-

ther with her costs of suit to be taxed, for their rights of dower in the lands and tenements whereof their respective husbands were seized in the southern district of this state, and which have been sold by the commissioners of forfeitures for the said southern district, upon their respectively executing and delivering to the treasurer a release of their dower and right of dower respectively, of and in the said lands and tenements to the people of the state, and to the persons respectively holding the same lands and tenements.

CHAP. LV.

An ACT *to raise Money for compleating the Repair of the Court-house in Albany.*

Passed 11th March, 1793.

WHEREAS the supervisors of the city and county of Albany have by a resolution passed the fifth day of February, one thousand seven hundred and ninety-three, determined that a contract be entered into by the commissioners appointed by the act for building a gaol, and repairing the court-house in the city and county of Albany, and the said commissioners have, by their application, represented that a further sum of one thousand pounds is necessary for the compleating the repair of the said court-house; Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That the supervisors of the city and county of Albany aforesaid, for the time being, shall be, and they are hereby authorised and required to direct to be raised on the freeholders and inhabitants of the said city and county, the sum of one thousand pounds, for compleating the repair of the court-house in the said county, with an additional sum of nine pence in the pound for collecting the same; which said sum shall be raised, levied, and collected at the same time, and in like manner, as the other contingent charges of the said city and county are levied and collected.

II. *And be it further enacted*, That the said sum of one thousand pounds shall be collected and paid into the treasury of the said city and county, on or before the fifteenth day of February, which will be in the year of our Lord one thousand seven hundred and ninety-four; and the treasurer of the said city and county is hereby required and directed, out of the monies aforesaid, to pay to the commissioners aforesaid, or their order, the sum of one thousand pounds, to be by them drawn for; and it is hereby made the duty of the said commissioners, for the time being, to account with the supervisors of the said city and county, for the money to be by them received and expended for the purpose aforesaid, when thereunto required.

III. *And be it further enacted*, That it shall and may be lawful for the treasurer of the said city and county of Albany to retain in his own hands the sum of three pence in the pound for his trouble in receiving and paying out the monies directed to be raised by this act.

CHAP. LVI.

An ACT *concerning the striking of Juries*,

Passed 11th March, 1793.

BE *it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same*, That

when a jury shall be ordered to be struck for the trial of any cause, in any court of record, if the clerk of such court shall be interested in the cause, or related to either of the parties, or if it shall appear probable to the court that he is not indifferent between them, then and in every such case, the court shall nominate two proper persons, who are indifferent between the parties, to strike the jury, which persons shall do, execute and perform every thing heretofore required to be done by such clerk, relating to the striking of such jury.

CHAP. LVII.

An ACT *to ascertain and settle the Limits and Boundaries, between the Patent of Kayaderosseres; the Patent, commonly called the Half-Moon Patent, and the Patent of Shannondhoi, or Clifton Park, and to bind the Title of the respective Claimants.*

Passed 11th March, 1793.

Reciting that controversies subsist between the proprietors of the patents of Kayderosseres, Half-Moon and Clifton Park.

WHEREAS controversies subsist between the proprietors of a tract of land, in the county of Saratoga, known by the name of Kayaderosseres; the proprietors of a tract of land, originally granted to Anthony Van Schaick, commonly called the Half-Moon Patent, and the proprietors of a tract of land, known by the name of Shannondhoi, or Clifton Park, respecting the bounds of the said respective patents. And whereas the said controversies impede the cultivation of the country, and cannot be finally determined in the usual course of law, without a number of suits, which from the circumstances of the case, would require to be tried by foreign juries, with much inconvenience to the public, and heavy expences to the parties. And whereas the proprietors of the said patents respectively, are numerous, some of them infants, and others under coverture, which renders it impracticable to make any determination of the said controversy, binding upon all parties interested, without the aid of the legislature. And whereas the proprietors and agents, for the proprietors of the said respective patents, did agree, that they would unite in an application to the legislature, for an act, appointing commissioners finally to ascertain and determine the boundary lines between the said respective patents, and that Egbert Benson, of the county of Dutchess; Samuel Jones, of the city of New-York; Jesse Woodhull, of the county of Orange; Cornelius C. Schoonmaker, of the county of Ulster, and Peter Cantine, of the county of Dutchess, be the commissioners for that purpose. And whereas the said proprietors and agents, have made such joint application, by their petition to the legislature, with which it appears reasonable to comply; Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That it shall and may be lawful for the said Egbert Benson, Samuel Jones, Jesse Woodhull, Cornelius C. Schoonmaker and Peter Cantine, or any three of them, to hear and examine the said controversy, and finally by writing, under the hands and seals of them, or any three of them, to fix, ascertain and determine the boundary line or lines, between the said respective patents, which determination shall be final and conclusive, as to all the rights, titles and interests, derived under the letters patent, whereby the said lands, called Kayaderosseres, and the said lands, called the Half-Moon, and the said lands, called Shannondhoi, or Clifton Park, were respectively granted to the original proprietors of the said lands, and shall, to all intents

Commissioners appointed, finally to determine such controversy, by fixing the boundaries in writing.

And such determination to vest the persons holding under the same with as ample a title therein as they would have been vested with, if the same had been included in the original patent.

and purposes whatsoever, absolutely vest the right, title, property and interest of such lands, as shall be so determined to be within the said patent, called the Half-Moon Patent, in such person and persons, and with such estate and estates as the same would be vested in and held by, if the same had been undoubtedly included in the letters patent, granted as aforesaid, to the said Anthony Van Schaick; and in like manner shall, to all intents, constructions and purposes whatsoever, absolutely vest the right, title, property and interest of such lands, as shall be so determined to lie within the said patent, called Kayaderosseres, in such person and persons, and with such estate and estates, as the same would be vested in and held by, if the same had been undoubtedly included in the said patent, called Kayaderosseres, and not within the said patent, to Anthony Van Schaick; and in like manner shall, to all intents, constructions and purposes whatsoever, absolutely vest the right, title, property and interest of such lands, as shall be so determined to lie within the said patent, called Shannondhoi, or Clifton Park, in such person and persons, and with such estate and estates, as the same would be vested in and held by, if the same had been undoubtedly included in the said patent, called Shannondhoi, or Clifton Park, and not within the said patent to Anthony Van Schaick, or within the said patent, called Kayaderosseres, so that all and every person or persons, and thing having or claiming in the said land, by virtue of the said patent to Anthony Van Schaick, shall be utterly barred and excluded from having or claiming any estate, right, title or interest in such of the said lands, as shall be so as aforesaid determined to be within the bounds of the said patent, called Kayaderosseres, or to be within the bounds of the said patent, called Shannondhoi, or Clifton Park, and all and every person and persons, any thing having or claiming in the said lands, by virtue of the said patent, called Kayaderosseres, shall be utterly barred and excluded from having or claiming any estate, right, title or interest in such of the said lands, as shall be so as aforesaid determined to lie within the bounds of the said patent of Anthony Van Schaick, or within the bounds of the said patent of Shannondhoi, or Clifton Park; and all and every person and persons, any thing having or claiming in the said lands, by virtue of the said patent of Shannondhoi, or Clifton Park, shall be utterly barred and excluded from having or claiming any estate, right, title or interest in such of the said lands, as shall be so as aforesaid determined to lie within the bounds of the said patent, called the Half-Moon, or within the bounds of the said patent, called Kayaderosseres. Provided always, That nothing herein contained, shall be deemed, construed or extended to affect the estate, right, title or interest of the people of this state, or of any person or persons, or body politic or corporate, not deriving title by, from, or under either of the said respective patents; any thing herein contained to the contrary thereof in anywise notwithstanding.

And all persons excluded from any other title than that which they may hold under such determination.

Commissioners, before they execute their trust, to take the oath herein mentioned.

II. *And be it further enacted*, That each of the said commissioners shall, before he executes any of the duties prescribed in and by this act, take the following oath, before one of the justices of the supreme court of this state, to wit: I do hereby solemnly swear, that I will, well and truly execute the trust reposed in me, in and by an act, entitled, An act to ascertain and settle the limits and boundaries between the patent of Kayaderosseres; the patent commonly called the Half-Moon Patent, and the patent of Shannondhoi, or C

ton Park, and to bind the title of the respective claimants, to the best of my knowledge and ability; So help me GOD.

III. *And be it further enacted*, That the said commissioners, before the making of their said determination, shall have a view of the premises in question, if either of the parties require the same.

Commissioners empowered to summon witnesses, and to order the production of papers, &c.

IV. *And be it further enacted*, That the said commissioners, or any three of them, shall be, and are hereby empowered and required to summon any person or persons, to appear before them when and as often as the said parties, or either of them, shall think necessary, to be examined and give evidence, touching the matters in controversy, and to bring with them all such books, deeds, papers or other written evidence, as the said parties, or either of them shall, from time to time think proper, for the execution of the trust hereby reposed in them; and the said commissioners are hereby authorised and empowered to administer an oath or affirmation to the witnesses to be examined before them, to declare the truth, touching the matter in controversy; and if any person or persons, being summoned by writing, subscribed by any one or more of the said commissioners, and duly served on such person or persons, at least eight days before the time required by such summons, for his, her or their attendance, shall refuse or neglect to give such attendance, or to be examined upon oath as aforesaid, or to bring or to produce such written evidence as shall be required by the said summons, every such person, so refusing or neglecting, shall forfeit and pay, for every such refusal or neglect, the sum of one hundred pounds, to be recovered in any court of record having cognizance thereof, by action of debt, to be brought in the name of the person or persons, at whose instance such witness was summoned. Provided always, That no such forfeiture shall be incurred, unless a tender shall have been made at the time of serving such summons, to the person so refusing or neglecting as aforesaid, of a reasonable compensation for his attendance. And provided also, That no person shall be compelled to give any evidence other than such as he would be bound to give upon a trial at common law.

And to administer oaths to such witnesses, and the persons neglecting to obey such summons, or to produce such papers, liable to a penalty of 100l.

If any person shall give false evidence to such commissioners, he shall suffer the penalties of perjury.

V. *And be it further enacted*, That if any person shall wilfully and knowingly give false evidence before the said commissioners, or any three of them, touching the said controversy, he or she shall, upon conviction thereof, suffer the pains and penalties inflicted by law for wilful and corrupt perjury.

The determination of such commissioners may be recorded.

VI. *And be it further enacted*, That the determination of the said commissioners, or any three of them as aforesaid, being duly acknowledged or proved in like form, as deeds are by law to be acknowledged or proved, may be entered of record in the secretary's office, of the state of New-York, and the same, or the record thereof, or an exemplification or a true copy of such record, shall be good evidence of such determination in all courts, both of law and equity.

VII. *And be it further enacted*, That the said determination shall be made, within one year from the passing of this act, and not afterwards.

All expences arising on ascertaining and fixing such lines, &c. to be paid by the parties interested, as herein directed.

VIII. *And be it further enacted*, That all the expences, costs and charges, which shall arise and accrue in fixing and ascertaining the said boundary line or lines, between the said respective patents as herein before mentioned, or for or by reason of any other matter or thing respecting the exe-

cution of the truſts or power herein before ſpecified (excepting fees to counſel for advice or aſſiſtance upon the hearing of the ſaid controverſy or otherwiſe) ſhall be equally paid and borne by the ſaid parties, in the following manner, that is to ſay; the one equal third part thereof, by the proprietors of the ſaid patent of Kayaderoſſeres; one other equal third part thereof, by the proprietors of the ſaid tract of land, originally granted to Anthony Van Schaick, commonly called the Half-Moon Patent, and the other equal one-third part thereof, to be paid by the proprietors of, and the perſons intereſted in the ſaid tract of land, known by the name of Shannondhoi, or Clifton Park, which ſaid coſts, charges and expences, ſhall be aſcertained by a certificate of the ſaid commiſſioners, or any three of them; and if any of the ſaid proprietors of the ſaid allotments of the ſaid patent of Kayaderoſſeres, ſhall neglect or refuſe to pay his, her or their proportion of the ſaid expences, within one month after the determination of the ſaid commiſſioners, or any three of them ſhall have been made, it ſhall be lawful for the ſaid commiſſioners, or any three of them, to ſell, grant and convey ſo much of the lands, belonging to the ſaid perſon or perſons, ſo refuſing or neglecting as aforeſaid, in whatever part of the ſaid patent of Kayaderoſſeres, they ſhall think expedient, as may be ſufficient to defray his, her, or their proportion of the ſaid expences, with intereſt for the ſame, from the end of the ſaid month; and that in like manner, if any of the proprietors of the ſaid Half-Moon Patent, intereſted in the ſaid controverſy, ſhall refuſe or neglect to pay his, her, or their proportion of the ſaid expences (to be aſſeſſed by the ſaid commiſſioners, or any three of them) for or within one month after the determination of the ſaid commiſſioners, or any three of them, ſhall have been made, it ſhall be lawful for the ſaid commiſſioners, or any three of them, to ſell ſo much of the lands of the perſon or perſons, ſo refuſing or neglecting as aforeſaid, in whatever part of the ſaid Half-Moon Patent, as they ſhall think expedient, as may be ſufficient to defray his, her or their proportion of the ſaid expences, with like intereſt as aforeſaid; and in like manner, if any of the proprietors of the ſaid patent of Shannondhoi, or Clifton Park, intereſted in the ſaid controverſy, ſhall refuſe or neglect to pay his, her or their proportion of the ſaid expences (to be aſſeſſed by the ſaid commiſſioners, or any three of them) for or within one month after the determination of the ſaid commiſſioners, or any three of them, ſhall have been made, it ſhall be lawful for the ſaid commiſſioners, or any three of them, to ſell ſo much of the lands of the perſon or perſons, ſo refuſing or neglecting as aforeſaid, in whatever part of the ſaid patent of Shannondhoi, or Clifton Park, they ſhall think expedient, as may be ſufficient to defray his or their proportion of the ſaid expences, with like intereſt as aforeſaid; and the charges of ſale, and the deeds of the ſaid commiſſioners, or of any three of them, for ſuch lands ſo ſold, ſhall be valid and effectual in the law, to all intents and purpoſes, againſt the ſaid perſon or perſons, ſo refuſing or neglecting, and his, her or their heirs, and all others claiming or to claim, by, from or under him, her or them, or any of them, at any time thereafter.

Said expences to be aſcertained by the commiſſioners, and if any of the proprietors in the patent of Kayaderoſſeres, ſhall refuſe, &c.

If any of the proprietors in the Half-Moon Patent ſhall refuſe, &c.

And if any of the proprietors of the patent of Clifton Park, ſhall refuſe, &c.

CHAP. LVIII.

An ACT *granting the Right of the People of this State in certain Lands therein mentioned.*

Passed 12th March, 1793.

BE *it enacted by the people of the state of New-York, represented in senate and assembly*, That all the estate, right, title, interest, claim, and demand of the people of the state of New-York, of, in, and to any lands, tenements, or hereditaments, in a tract of land situated in the towns of Hillsdale and Kinderhook, in the county of Columbia (and lying south of the town of Canaan, and north of the north line of the lands claimed by the the heirs of colonel John Van Rensselaer, deceased, and also west of the said town of Canaan, and east of the Kinderhook patent) now possessed by any person or persons, shall be, and is hereby granted to the respective possessor or possessors of such lands, tenements, and hereditaments, and to the heirs and assigns of such possessors respectively forever. Provided always, That such possessor or possessors shall be construed and taken to be the person or persons holding in his or her own right, and not occupying or improving in the right of another. And provided also, That nothing herein contained shall be construed to invalidate or injure the rights of any person claiming lands in any grants passed under the great seal of the late colony of New-York, before the fourteenth day of October, one thousand seven hundred and seventy five, or under the great seal of this state.

CHAP. LIX.

An ACT *to incorporate the Society, instituted in the State of New-York, for the Promotion of Agriculture, Arts, and Manufactures.*

Passed 12th March, 1793.

WHEREAS several persons in the state of New-York have by a voluntary agreement associated themselves for the laudable purpose of promoting agriculture, arts, and manufactures in this state. And whereas the said society have presented a petition to the legislature, setting forth, that the petitioners considering that the wealth and prosperity of a country very much depend upon the flourishing state of its agriculture, arts and manufactures, and observing the benefit which in other countries have accrued from the institution of societies for the purpose of encouraging those great objects, have voluntarily associated themselves, with a view of collecting from different parts of the state, the different modes of agriculture that are in practice, to suggest such improvements as may be found to be beneficial; to excite among their fellow citizens a spirit of making experiments for the amelioration of lands which have been exhausted, or in their natural state are unproductive or unfit for cultivation; for increasing the produce of such articles as are propagated amongst us, and promoting the culture of others which have been found useful in other parts, and for the improvement of field husbandry in general; and to introduce, as far as circumstances may render proper, an emulation for the establishment of useful arts and manufactures in those parts of the state where they can be beneficially carried on; that the petitioners conceive it would greatly conduce to advance the important ends of their association, if they were authorised to act as a corporate body, and possess property to such amount as would enable them to effectuate their purposes more satisfactorily to themselves, and more beneficially to the public: They therefore prayed, that the legislature would be pleased, by law,

to incorporate the society for the purposes aforesaid, under such limitations and restrictions as to the legislature shall seem meet; Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That Robert R. Livingston, John Sloss Hobart, Samuel L. Mitchell, John M'Kesson, Mathew Clarkson, Samuel Bard, John Cantine, Samuel Jones, Thomas Tillotson, Joseph Hasbrouck, James G. Graham, Jacobus Swartwout, Malancton Smith, Abraham Hardenburgh, John Gelston, William W. Gilbert, David R. Floyd Jones, George Clinton, Aquila Giles, Ezra L'Hommedieu, John Schenck, James Hunter, Egbert Benson, John Blagge, John P. Delancey, Francis Childs, John Watts, Peter Vandervoort, Henry Will, Ebenezer Purdy, Josiah Ogden Hoffman, John Smith, of Suffolk county, Cornelius J. Bogart, William Dunlap, Walter Rutherford, Philip Van Cortlandt, John Williams, Richard Varick, John Jay, Elias Newman, Amasa Dingley, Gilbert Colden Willett, Stephen Lush, John Stevens, John Kemp, Abraham Beach, Samuel Nicoll, Jonathan N. Havens, John L. Gardiner, Frederick Rhinelander, Pierre De La Bigarre, Edward Livingston, John Thurman, Jeremiah Van Rensselaer, James Duane, Simeon De Witt, Nathaniel Sackett, William Rhinelander, Samuel Russell, Moses De Witt, David Frederick Laring, John Nicholson, Andrew King, John Barber, Joseph Barber, Johannes Miller, William Thompson, David Ogden, John Delafield, Horatio Gates, Benjamin Strong, and Samuel Jones, jun. and such other persons as shall, from time to time, become members of the said society, shall be, and hereby are, ordained, constituted, and declared to be one body corporate and politic, in deed, fact, and name, by the name of, The Society for the Promotion of Agriculture, Arts, and Manufactures; and that, by that name, they and their successors, until the first day of May 1804, shall have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever: And that they and their successors may have a common seal, and may change and alter the same at their pleasure; and that they and their successors by the same name, shall be persons capable in law to purchase, take, receive, hold, and enjoy to them and their successors, any real estate in fee simple or for term of life or lives or otherwise; and any goods, chattels, or personal estate, for the purpose of enabling them the better to carry into execution, encourage, and promote such measures as may tend to promote agriculture, arts, and manufactures in this state. Provided the clear yearly value of such real and personal estates shall not exceed the sum of eight hundred pounds lawful money of New-York, and that they and their successors shall have full power and authority to give, grant, sell, lease, demise and dispose of the said real and personal estates, or any part thereof at their will and pleasure; and that they and their successors shall have power from time to time, to make, constitute, ordain and establish such bye laws, constitutions, ordinances and regulations as they shall judge proper for the election of their officers, for the election and admission of new members of the said corporation, and the terms and manner of admission, for the better government and regulation of their officers and members, for fixing the times and places of the meeting of the said corpor-

Robert R. Livingston and others, constituted and declared a body corporate and politic, by the name of the society for the promotion of agriculture, arts & manufactures.

And that by that name they shall have succession, be capable of suing and being sued,

And may have a common seal, and hold real and personal estates.

Yearly value of their estate, not to exceed 800l.

ion, and for regulating all the affairs and buſineſs of the ſaid corporation. Provided, That ſuch bye laws and regulations ſhall not be repugnant to the conſtitution or laws of the United States, or of this State. And for the better carrying on the buſineſs and affairs of the ſaid corporation, there ſhall be a Preſident, Vice-Preſident, Treaſurer and two Secretaries of the ſaid corporation, who ſhall hold their offices from the time of their appointment or election, until the ſecond Tueſday of January then next, and until others ſhall be choſen in their places. And that the ſaid Robert R. Livingſton is hereby appointed Preſident, the ſaid John Sloſs Hobart Vice-Preſident, the ſaid Samuel Jones Treaſurer, and the ſaid Samuel L. Mitchell and Samuel Jones, junior, Secretaries of the ſaid corporation; and that their ſucceſſors in office ſhall hereafter be choſen by the members of the ſaid corporation, in ſuch manner and at ſuch times and places, as ſhall be directed by the bye laws of the ſaid corporation to be made for that purpoſe; and that the Preſident or Vice-Preſident, and any twelve or more of the members of the ſaid corporation, ſhall be ſufficient to conſtitute a legal meeting of the ſaid corporation.

II. *And be it further enacted*, That the members of the Legiſlature, who ſhall not be ſtiled members of the ſaid corporation, be nevertheleſs in virtue of their ſtations honorary members of the ſaid corporation, and ſhall ſit but not vote as ſuch for officers, or have any voice in the diſpoſition of their funds.

CHAP. LX.

An ACT *to alter the Stile of the reſpective Religious Corporations therein mentioned.*

Paſſed 12th March, 1793.

WHEREAS the corporation of Grace church, in the town of Jamaica, in Queen's county, by letters patent under the great ſeal of the late colony of New-York, bearing date the ſeventeenth day of June, in the year of our Lord one thouſand ſeven hundred and ſixty one, were enabled to ſue and be ſued, plead and be impleaded, anſwer and be anſwered unto, defend and be defended, by the name of, The rector and inhabitants of the pariſh and townſhip of Jamaica, in Queens county, in communion of the Church of England, as by law eſtabliſhed: And whereas the corporation of St. George's church, in the town of Fluſhing, in Queens county, by letters patent under the great ſeal of the late colony, now ſtate of New-York, bearing date the ſeventeenth day of June, one thouſand ſeven hundred and ſixty-one, were enabled to ſue and be ſued, plead and be impleaded, anſwer and be anſwered unto, defend and be defended, by the name of, The inhabitants of the townſhip of Fluſhing, in Queens county, in communion of the Church of England, as by law eſtabliſhed. And whereas the corporation of St. James's church, in the town of Newtown, in Queens county, by letters patent under the great ſeal of the late colony, now ſtate of New-York, bearing date the ninth day of September, one thouſand ſeven hundred and ſixty-one, were enabled to ſue and be ſued, plead and be impleaded, anſwer and be anſwered unto, defend and be defended, by the name of, The inhabitants of the townſhip of Newtown, in Queen's county, in communion of the Church of England, as by law eſtabliſhed. And whereas the ſaid corporations, by their ſeveral and reſpective petitions, preſented to the legiſlature of this ſtate, have prayed that they may be enabled to aſſume and uſe the ſeveral names and ſtiles in the ſaid ſeveral petitions mentioned and expreſſed; Therefore,

Said corporations have prayed to aſſume the names mentioned in their ſeveral petitions.

I. *Be it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly*, That the ſaid corporation of Grace church, in the town of Jamaica, in Queen's county, ſhall and may, from and after the paſſing of this act, take and uſe the name of, The rector and inhabitants of the town of Jamaica, in Queens county, in communion of the Proteſtant Epiſcopal church in the ſtate of New-York.

Grace church to uſe the name herein mentioned.

II. *And be it further enacted*, That the ſaid corporation of St. George's church, in the town of Fluſhing, in Queens county, ſhall and may, from and after the paſſing of this act, take and uſe the name of, The rector and inhabitants of the town of Fluſhing, in Queens county, in communion of the Proteſtant Epiſcopal church in the ſtate of New-York.

St. George's church to uſe the name herein mentioned.

III. *And be it further enacted*, That the ſaid corporation of St. James's church, in the town of Newtown, in Queen's county, ſhall and may, from and after the paſſing of this act, take and uſe the name of, The rector and inhabitants of the town of Newtown, in Queens county, in communion of the Proteſtant Epiſcopal church, in the ſtate of New-York; and by the ſaid ſeveral and reſpective names ſhall be capable, ſeverally and reſpectively, to ſue and be ſued, plead and be impleaded, anſwer and be anſwered unto, defend and be defended, in as full and ample manner, to all intents and purpoſes, as they were ſeverally enabled to do, in and by the ſaid ſeveral and reſpective letters patent herein before recited; and that all bonds, bills, grants, contracts, deeds and conveyances, made to or by the ſaid corporations, between the dates of the ſaid ſeveral letters patent and the paſſing of this act wherein they are named or mentioned by the ſtiles and names of their ſaid ſeveral letters patents, or any or either of them, or by any other name or names, ſhall be good, valid, and effectual in the law, in like manner as they would have been if the names or ſtiles of the ſaid ſeveral and reſpective corporations, or any or either of them, had been named in manner as herein directed in ſuch bonds, bills, grants, contracts, deeds, and conveyances; any law, uſage, or cuſtom, to the contrary thereof, in any wiſe notwithſtanding.

St. James's church to uſe the name herein mentioned.

CHAP. LXI.

An ACT *relative to the Loan Officers in the County of Montgomery.*

Paſſed 12th March, 179[illegible]

WHEREAS it has been repreſented to the legiſlature, that it is found impracticable for the loan officers for the county of Montgomery, ſince the diviſion of the ſaid county, to prepare their accounts for inſpection, as loan officers, in conformity to the directions of the act paſſed the eighteenth day of April, one thouſand ſeven hundred and eighty ſix, entitled, An act for emitting the ſum of two hundred thouſand pounds in bills of credit, for the purpoſes therein mentioned; Therefore,

I. *Be it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly*, That ſo much of the ſaid act, above recited, as requires the attendance of the ſuperviſors and judges on the firſt Tueſday in October, to inſpect the books and accounts of the loan officers in the county of Montgomery, as far forth as reſpects the counties of Montgomery, Herkemer and Otſego, be, and the ſame is hereby ſuſpended until further legiſlative proviſion in the premiſes.

II. *And be it further enacted*, That it ſhall be the duty of the ſupervisors nd judges of the counties of Montgomery, Herkemer, and Otſego, or ſo any of them as were by any former law required to meet on the firſt Tueſday in October, in every year, for the purpoſes before mentioned, to meet on the ſecond Tueſday in November, in each and every year, at the ourt-houſe in Johnſtown, in the county of Montgomery, and then and here to inſpect the books and accounts of the loan-officers of the ſaid county f Montgomery, and to do and tranſact all and ſingular the duties enjoined nd required of them in and by the act hereby amended.

CHAP. LXII.

n ACT *to enable certain Perſons therein named to purchaſe and hold real Eſtates within this State.*

Paſſed 12th March, 1793.

BE *it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly*, That it ſhall and may be lawful for Peter De La Barre, William Gray, Francis Upton, Alexander James Hamilton, Matthew aldwell, William Guthrie, James White, John Dunn, Andrew Dunn, armanus H. Poſt, James Campbell, Thomas Mackaneſs, John Boonen raves, Henry Van Allen, George Young, Lemon Lawrance Lawrance, ichard Vandenburgh, Jonathan Williams, Joſeph Cheavoau De Maiſonuge, Luke Gilbert, Henry Fiſher, Johannes Eyler, Johannes Roſenberg, Hendrick Trowman, Chriſtian Nungeſſer, Nicholas Goodemuth, and illiam Shaaff, ſeverally to take and hold, by purchaſe or deſcent, lands, nements and hereditaments, within this ſtate, to any amount not exceedg twenty-five thouſand dollars reſpectively, to have and to hold the ſame them, and to their reſpective heirs and aſſigns for ever, as fully, to all tents and purpoſes, as any natural born citizens may or can do, any law, age, or cuſtom, notwithſtanding.

II. *And be it further enacted*, That no lands, tenements, or hereditaents, heretofore purchaſed by any of the perſons herein before named, all eſcheat to the people of this ſtate, by reaſon or on account of ſuch perns then being aliens; but all ſuch lands, tenements, and hereditaments, all be underſtood as having veſted in ſuch purchaſer or purchaſers, as ough they had been naturalized at the time of ſuch purchaſe or purchaſes, y law to the contrary thereof notwithſtanding. Provided always, That alienation of ſuch lands ſhall be good and effectual in the law, other an to a citizen or citizens of the United States.

CHAP. LXIII.

n ACT *to authoriſe the Executors of Peter Tappen, deceaſed, to ſell the real Eſtate therein mentioned.*

Paſſed 12th March, 1793.

WHEREAS Elizabeth Tappen hath repreſented to the legiſlature, that by the laſt will and teſtament of her late huſband, Peter Tapn, deceaſed, the ſaid Elizabeth and George Clinton, Eſquire, the executs therein named were empowered to ſell all or any part of his real eſtate, the uſes and purpoſes in the ſaid will mentioned; that there are debts ainſt the eſtate of the ſaid teſtator, beyond the value of the perſonal eſtate

owned by him at his death, and the real eſtate owned by him at the time of making the ſaid will: That contracts have been made by the ſaid Peter, in his life-time, for the ſale of certain parts of the real eſtate acquired by him ſince the making of his ſaid will, and in ſome inſtances the conſideration money paid, but the deeds never executed; and the ſaid Elizabeth hath accordingly prayed that a law might be paſſed, extending the power granted by the ſaid will to the executors to ſell the real eſtate of the teſtator, to ſuch real eſtate as the ſaid Peter acquired ſince the making of his ſaid will; Therefore,

I. *Be it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly*, That the executors named in the laſt will and teſtament of the ſaid Peter Tappen, deceaſed, are, and the ſurvivor of them is hereby authoriſed and impowered to perform all the ſaid contracts ſo made by the ſaid Peter Tappen in his life-time, and to make, do, and execute all ſuch conveyances, acts and things, as ſhall be neceſſary for that purpoſe, which ſhall be as good and effectual, to all intents and purpoſes, as if the ſame had been made, done, and executed by the ſaid Peter Tappen in his life-time.

II. *And be it further enacted*, That it ſhall and may be lawful for the ſaid executors, and the ſurvivor of them, and they are hereby authoriſed and impowered to ſell all or any part of the real eſtate of the ſaid Peter Tappen, whether the ſame was purchaſed or acquired by him before or after the making of his ſaid will, and to make and execute deeds and conveyances for the ſame, to the purchaſers thereof, and to the heirs and aſſigns of ſuch purchaſers; which deeds and conveyances ſhall be as good and effectual, as if the ſame had been executed by the ſaid Peter Tappen, in his life-time; and out of the monies to ariſe by ſuch ſales, to pay and diſcharge all ſuch of the debts of the ſaid Peter Tappen, as ſhall remain unpaid after his perſonal eſtate ſhall have been applied for that purpoſe, and to put the reſidue of the ſaid purchaſe money out at intereſt on good landed ſecurity, or inveſt the ſame in the ſtock of the United States, for the benefit of the heirs and deviſees of the ſaid Peter Tappen, according to their reſpective rights and intereſt therein.

CHAP. LXIV.

An ACT *to divide the Towns therein mentioned.*

Paſſed 12th March, 1793.

I. BE it *enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly*, That from and after the firſt Monday in April, one thouſand ſeven hundred and ninety-four, all that part of the town of Mohawk, in the county of Montgomery, which lies eaſt of Schoharie Creek, in the ſaid county, ſhall be, and is hereby erected into a town, by the name of Florida; and that all the remaining part of the town of Mohawk, which lies weſt of the Schoharie Creek, ſhall, after the firſt Monday in April next, be, and the ſame is hereby erected into a diſtinct and ſeparate town, by the name of Charleſton.

Certain parts of the town of Mohawk, in Montgomery county, erected into a town by the name of Florida.

The remaining parts erected into a town, by the name of Charleſton.

II. *And be it further enacted*, That from and after the firſt Monday in April aforeſaid, all that part of the town of Caughnawaga, in the ſaid county of Montgomery, bounded as follows, to wit: Beginning at the ſouth-eaſt corner of the ſaid town of Caughnawaga, and running from thence weſterly, along the ſouth bounds of the ſaid town, until a ſmall bridge in the

Part of the town of Caughnawaga, in ſaid county, erected into a town, by the name of Amſterdam.

main road near to Victor I. Putman's house shall be due north; thence running north, six miles; thence running an easterly course, so as to strike the west bounds of the county of Saratoga; six miles north of the river Mohawk; thence south, along the west bounds of the county of Saratoga, and also along the west bounds of the county of Albany, to the place of beginning, shall be, and hereby is erected into a town, by the name of Amsterdam; and that all that part of the said town of Caughnawaga, bounded as follows, to wit: Beginning at the north-east corner of Amsterdam; thence running westerly, along the northerly bounds of the said town of Amsterdam, to the middle of the said boundary line; thence due north, to the county of Herkemer; thence easterly, along the line that divides the counties of Montgomery and Herkemer, to the county of Saratoga; thence south, along the west bounds of Sarato, to the place of beginning, shall be, and hereby is erected into a separate town, by the name of Broadalbin; and that all that part of the said town of Caughnawaga, bounded as follows, to wit: Beginning at the south-west corner of Broadalbin; thence running along the northerly bounds of the town of Amsterdam, to the north-west corner of the said last mentioned town; thence due north, to the county of Herkemer; thence easterly, along the line that divides the counties of Herkemer and Montgomery, to the north-west corner of the town of Broadalbin; thence south, along the west bounds of the said town of Broadelbin, to the place of beginning, shall be, and hereby is erected into a separate town, by the name of Mayfield; and that all the remainder of the said town of Caughnawaga, shall be and remain a separate town, by the name of Johnstown.

Another part of said town erected into a town by the name of Broadalbin.

And another part of said town erected into a town by the name of Mayfield.

And the remaining part thereof erected into a town by the name of Johnstown.

III. *And be it further enacted*, That all that part of the town of Washington, in the county of Dutchess, lying north of the north line of lots number fourteen and twenty-three, laid out in the general division heretofore made of a tract of land, called the Lower or Great Nine Partners, shall, from and after the first Monday in April, 1794, be erected into a separate town, by the name of Stanford.

A certain part of the town of Washington, in the county of Dutchess, erected into a town, by the name of Stanford.

IV. *And be it further enacted*, That from and after the said first Monday in April, 1794, all that part of the town of Westfield, in the county of Washington, known by the name of the Provincial Patent, shall be, and hereby is erected into a separate town, by the name of Hartford.

Part of the town of Westfield, in Washington county, erected into a town, by the name of Hartford.

V. *And be it further enacted*, That from and after the said first Monday in April, 1794, so much of the town of Water-Vliet, as is comprehended within the bounds following, to wit: Beginning on the west bank of Hudson's river, in the south bounds of the city of Albany, and running thence westerly, along the said south bounds, until a north-east line drawn from the junction of the Vly-Kill, with the Normans creek intersects the said south bounds; thence to the junction aforesaid; thence to the north-east corner of the town of Rensselaer-Ville; thence southerly, along the east bounds of Rensselaer-Ville, to the town of Coeymans; thence easterly, along the same, to Hudson's river; thence east, to the west bounds of Rensselaer county; thence northerly, along the same, until the place of beginning above mentioned bears west; thence west, to the place of beginning, shall be, and hereby is erected into a separate town, by the name of Bethlehem.

Part of the town of Water-Vliet, erected into a town, by the name of Bethlehem.

Part of the towns of Saratoga & Milton, in the county of Saratoga, erected into a town, by the name of Greenfield.

VI. *And be it further enacted*, That all that part of the town of Saratoga and Milton, in the county of Saratoga, included within the following bounds, to wit: Beginning at the south-east corner of lot number seven, in the seventeenth allotment of the patent of Kayaderosseres; thence running north, along the east bounds thereof, to the southerly bounds of the twenty-second allotment of the said patent; thence northeasterly, along the same, to the south-west corner of the twenty-third allotment of the said patent; thence northerly, along the west bounds thereof, to the south-west corner of the twenty-fifth allotment of the said patent; from thence north, to Hudson's river, and the west bounds of the county of Washington; thence westerly and northerly, on the west line of the county of Washington, to the north bounds of the said county of Saratoga; thence west, to the north-east corner of the town of Galway, in the said county of Saratoga; thence south, on the east line of the same, to the north bounds of the sixteenth allotment of the patent aforesaid, and from thence easterly along the same, to the place of beginning, shall, from and after the first Monday in April, 1794, be, and the same is hereby erected into a separate town, by the name of Greenfield.

First town meetings in said towns, where to be held.

VII. *And be it further enacted*, That the first town meeting, in each of the said respective towns, shall be held as follows, to wit: In the town of Florida, at the dwelling-house of Ezra Murray; in the town of Charlestown, at the dwelling-house of Phineas Leach; in the town of Amsterdam, at the dwelling-house of Isaac Vedder; in the town of Broadalbin, at the dwelling-house of Daniel M'Intyre; in the town of Mayfield, at the meeting-house adjoining the Sacondago road, near to a store, lately occupied by George Courtauld; in Johnstown, at the court-house, in the said town; in the town of Stanford, at the dwelling-house of Soloman Sutherland; in the town of Hartford, at the dwelling-house of Daniel Mason; in the town of Westfield, at the dwelling-house of Thaddeus Dewey; in the town of Bethlehem, at the dwelling-house of Henry Buchans; in the town Kortright, at the dwelling-house of Thomas M'Claughery, and in the town of Harpersfield, at the dwelling-house of John Harper.

Said towns to have the like privilege of electing town-officers, &c. as other towns in this state.

VIII. *And be it further enacted*, That the freeholders and inhabitants of each of the respective towns hereby erected, shall be, and hereby are empowered to hold town-meetings, and elect such town-officers, as the freeholders and inhabitants of any town in this state, may do by law; and that the freeholders and inhabitants of each of the said towns respectively, and the town-officers to be by them elected, shall have the like powers and privileges, and be subject to the like regulations and penalties, as the freeholders, inhabitants and town-officers of the other towns in this state, are entitled and subject to by law.

Poor of the town of Mohawk, how to be divided.

IX. *And be it further enacted*, That the poor belonging to the said town of Mohawk, previous to this division, shall be divided amongst the said towns of Florida and Charlestown, in proportion to the wealth of the inhabitants of the said towns respectively, to be estimated by the last annual tax list of the said town, and the overseers of the poor and supervisors of the said towns, or a majority of them, shall meet within ten days after the annual town-meeting for the year 1794, at the

Poor of the towns of Caughnawaga, Washington, Westfield, Water Vliet, Kortright, Harpersfield, Saratoga, and Milton, how to be divided.

dwelling-house of John T. Visscher, in Florida aforesaid, and make such division as aforesaid. And that the poor belonging to the town of Caughnawaga, previous to this division, shall be divided amongst the said towns of Amsterdam, Broadalbin, Mayfield and Johnstown; and that the poor, belonging to the said town of Washington, previous to this division, shall be divided amongst the said towns of Washington and Stanford; and that the poor, belonging to the said town of Westfield, previous to this division, shall be divided amongst the said towns of Hartford and Westfield; and that the poor, belonging to the said town of Water-Vliet, previous to this division, shall be divided amongst the said towns of Bethlehem and Water-Vliet; and that the poor, belonging to the said towns of Kortright and Harpersfield, previous to this division, shall be divided amongst the said towns of Kortright and Harpersfield; and that the poor, belonging to the said towns of Saratoga and Milton, previous to this division, shall be divided amongst the towns of Saratoga, Milton and Greenfield, in like manner as aforesaid; and the overseers of the poor, and supervisors of the said towns of Amsterdam, Broadalbin, Mayfield and Johnstown, or a majority of them, shall meet within ten days after the annual town-meeting for the year 1794, at the court-house, in Johnstown; and the overseers of the poor, and supervisors of the said towns of Washington and Stanford, or a majority of them, shall meet within ten days after the annual town-meeting for the year 1794, at the dwelling-house of Solomon Sutherland, in Stanford aforesaid; and the overseers of the poor, and the supervisors of the said town of Westfield and Hartford, or a majority of them, shall meet within ten days after the annual town-meeting for the year 1794, at the dwelling-house of Thaddeus Dewey, in Westfield aforesaid; and the overseers of the poor, and supervisors of the said towns of Water-Vliet and Berhelehem, or a majority of them, shall meet within ten days after the annual town-meeting for the year 1794, at the dwelling-house of William Kane, in Water-Vliet aforesaid; and the overseers of the poor, and supervisors of the said towns of Harpersfield and Kortright, or a majority of them, shall meet within ten days after the annual town-meeting for the year 1794, at the dwelling-house of Thomas M'Claughery, in the town of Kortright, for the purpose aforesaid; and the overseers of the poor, and supervisors of the said towns of Saratoga, Milton and Greenfield, or a majority of them, shall meet within ten days after the annual town-meeting for the year 1794, at the dwelling-house of Joel Reynolds, in the town of Greenfield aforesaid, for the purpose aforesaid; and the said towns, respectively, shall thereafter maintain their respective poor.

Overseers of the poor of the said several towns, when and where to meet for dividing the poor.

Contingent charges of all the said towns to be paid until a certain day, as if this act had never been passed.

X. *And be it further enacted*, That the contingent charges and expences of the towns hereby divided, that have already arisen, or shall arise before the first Monday in April, one thousand seven hundred and ninety four, shall be assessed, levied, and paid in the same manner as if this act had not been passed.

Part of the town of Harpersfield erected into a town by the name of Kortright.

XI. *And be it further enacted*, That all that part of the town of Harpersfield contained in the following bounds, to wit, Beginning at the most easterly corner of the town of Franklin, from thence up the north side of the west branch of the river Delaware, until it comes opposite to the division line between the patents of Kortright and Harpersfield; then northerly, to and

along the laſt mentioned line, to the Allegotany, or Charlotte river; then down along the ſoutherly bank of the ſaid river and the river Suſquehannah, to the town of Franklin; then along the eaſt line of the ſaid town of Franklin, to the place of beginning; ſhall, from and after the firſt Monday in April, one thouſand ſeven hundred and ninety-four, be, and the ſame is hereby erected into a ſeparate town by the name of Kortright; and that all the remaining part of the ſaid town of Harpersfield be and remain a town by the name of Harpersfield, and that the firſt town meeting in the ſaid town be held at the dwelling-houſe of the ſaid John Harper, in the ſaid town.

And the remaining part to retain the name of Harpersfield.

XII. *And be it further enacted*, That, from and after the paſſing of this act, no town in this ſtate ſhall be divided, nor any new town erected, without an application to the legiſlature, by the inhabitants of ſuch town, ſo to be divided, or of the ſeveral towns out of which ſuch new town is to be erected, or ſome of them, accompanied with a map of ſuch town or towns, with the lines of ſuch propoſed diviſion or new town marked thereon, and that notice of ſuch intended application ſhall be given at leaſt ten days previous to the town-meeting in each of the towns to be affected thereby; which notice ſhall be in writing, and affixed on the door of the houſe where ſuch town-meeting ſhall be held, and ſhall be ſubſcribed by at leaſt five perſons reſident and freeholders in ſuch towns; a copy of which notice ſhall alſo be read in ſuch town meeting, to the people there aſſembled, by the clerk of ſuch town, immediately before proceeding to the election of town officers.

No towns in this ſtate hereafter to be divided, or any new towns erected, but under certain limitations.

CHAP. LXV.

An ACT *concerning Fence-Viewers.*

Paſſed 12th March, 1793.

WHEREAS, in and by the act, entitled, An act for dividing the counties of this ſtate into towns, the fence-viewers of each and every of the towns in this ſtate are required, in every caſe when any diſtreſs ſhall be made of any beaſt doing damage, before they can appraiſe and aſcertain the damage, to take an oath therein mentioned, which occaſions much trouble to the ſaid fence-viewers; For remedy whereof,

Be it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly, That from and after the firſt Tueſday in April next, each and every of the ſaid fence-viewers ſhall, inſtead of the oath preſcribed in and by the ſaid act, before he enters upon the execution of his office, and within eight days after his election or appointment, take and ſubſcribe before a juſtice of the peace of the county in which he ſhall be ſo elected or appointed, an oath in the following form, to wit: "I ——— do ſolemnly and ſincerely promiſe and ſwear, that I will in all things, to the beſt of my knowledge and ability, well, faithfully, and impartially execute and perform the truſt repoſed in me, as a fence-viewer in the town of [here inſert the name of the town] in the county of [here inſert the name of the county]." And further, that every juſtice of the peace before whom ſuch oath ſhall be taken and ſubſcribed as aforeſaid, ſhall, without fee or reward, certify, under the ſame writing, the day and year when the ſame oath was taken, and ſubſcribe his name thereto, and then deliver the ſame writing to the perſon taking the ſame oath, who ſhall, within eight days thereafter

transmit or deliver the same to the clerk of the town for which such fence-viewers so taking such oath was elected or appointed; and if any fence-viewer shall not take and subscribe such oath as aforesaid, and transmit or deliver the same to the town-clerk, as aforesaid, within the time hereby limited, then, and in every such case, such neglect shall be deemed a refusal to serve in such office, and the town in which such officer was chosen may thereupon proceed to a new choice.

CHAP. LXVI.

An ACT *for the Relief of John Bailey.*

Passed 12th March, 1793.

WHEREAS William Barron, David Stone, Noah Porter, and Joshua Lack, were each entitled to two thousand acres of land, in the late colony of New-York, as officers in the British army, by virtue of a certain proclamation of the king of Great-Britain, bearing date the seventh of October, one thousand seven hundred and sixty-three; and it is represented to the legislature, that Elias Bland, late of the state of New-Jersey, deceased, was entitled, by purchases from the said William Barron, David Stone, Noah Porter and Joshua Lack, to the said land, amounting in the whole to eight thousand acres, which they had located in a certain tract known by the name of Totten and Crossfields purchase. And whereas it appears to the legislature, that notwithstanding repeated applications were made to the then government, by the said Elias Bland, prior to the fourteenth day of October, in the year of our Lord one thousand seven hundred and seventy five, and notwithstanding his just and equitable claim thereto, he was not able to procure a patent for the same before the twenty-third day of November, in the year of our Lord one thousand seven hundred and seventy-five, and which was obtained by the said Elias Bland, in the names of the said William Barron, David Stone, Noah Porter, and Joshua Lack. And whereas the said Elias Bland, after the obtaining the patent for the said tract of eight thousand acres of land, departed this life some time in the year one thousand seven hundred and eighty-two, considerably indebted to John Bailey, of the city of New-York. And whereas the said John Bailey, not knowing that the patent or grant so made to the said Elias Bland was rendered null and void by the constitution of the state, purchased the said tract of eight thousand acres from Joseph Shotwell and Robert Bowne, the administrators to the estate of the said Elias Bland, for a good and valuable consideration. And whereas the commissioners of the land office, by virtue of the powers to them for that purpose given, have granted and conveyed the said tract of eight thousand acres to John Thurman and others, as vacant and unappropriated lands. And whereas the equitable estate to the said eight thousand acres of land was justly and truly vested in the said Elias Bland, and the not procuring a patent for the same seems to have been wholly owing to the delay on the part of the then government, by reason whereof the interposition of the legislature has been necessary, in order to do justice to the said John Bailey; Therefore,

Be it enacted by the people of the state of New-York, represented in senate and assembly, That it shall and may be lawful for the commissioners of the land-office, and they are hereby directed to cause letters patent, in the usual form, to issue to the said John Bailey, for eight thousand acres of such part of the vacant and unappropriated lands within the limits of the aforesaid Tot-

ten and Croſsfield's purchaſe, in lieu of thoſe lands heretofore mentioned to have been granted to John Thurman and others, in the tract known by the name of Totten and Croſsfield's purchaſe, as the ſaid John Bailey ſhall locate and ſurvey at his expence, on his the ſaid John Bailey's paying one ſhilling per acre for the ſame, and producing to the ſaid commiſſioners conveyances to him or the ſaid Elias Bland, from the ſaid William Barron, David Stone, Noah Porter, and Joſhua Lack, for the ſaid lands.

CHAP. LXVII.

An ACT *for the Payment of the Salaries of certain Officers of Government and other contingent Expences.*

Paſſed 12th March, 1793.

I. BE *it enacted by the people of the ſtate of New-York, repreſented in ſenate and aſſembly*, That the treaſurer ſhall pay, on or before the firſt day of July next, to Simeon De Witt, ſurveyor general of this ſtate, the ſum of four hundred pounds; to James Fairlie, clerk of the courts of oyer and terminer and general gaol delivery, the ſum of three hundred and fifty pounds; and to Francis Childs, printer for this ſtate, the ſum of one hundred pounds, for their ſervices in their reſpective offices, from the firſt day of July laſt, to the firſt day of July next; and to the ſaid Francis Childs the further ſum of eighty nine pounds ten ſhillings, for his extra work, as printer during the preſent ſeſſion. Provided nevertheleſs, That the ſaid Simeon De Witt ſhall account with the auditor for this ſtate, and pay into the treaſury all the fees which he may have received as ſurveyor general during the time aboveſaid, and which have not already been accounted for and paid.

II. *And be it further enacted*, That the treaſurer ſhall pay unto Nicholas Fiſh, adjutant general of the militia of this ſtate, at and after the rate of three hundred and fifty pounds per annum, to be computed from the firſt day of July laſt, and continued to the firſt day of July next, if he ſhall ſo long remain in office.

III. *And be it further enacted*, That the treaſurer ſhall pay to ſuch gentlemen of the clergy as ſhall have attended the legiſlature as chaplains during the preſent ſeſſion, the ſum of ſixteen ſhillings each for every day of their attendance for that purpoſe; and the certificates of their attendance, and the ſums due to them reſpectively, ſhall be certified by the preſident of the ſenate and the ſpeaker of the aſſembly, in like manner as for members of the legiſlature.

IV. *And be it further enacted*, That the treaſurer ſhall pay to each member of the joint committee of the ſenate and aſſembly who attended to canvaſs the ballots taken at the laſt election for governor, lieutenant governor, and ſenators, for every day they attended, or were travelling to or from their reſpective places of abode, for that purpoſe; and to the joint committee of the ſenate and aſſembly appointed to canvaſs and eſtimate the ballots that ſhall be taken at the next election within this ſtate for ſenators, for every day they ſhall attend or be travelling to or from their reſpective places of abode for that purpoſe, the like compenſation as is allowed to the members of the legiſlature for their ſervices in and by the act, entitled, "An act for the ſupport of government."

V. *And be it further enacted*, That the treaſurer of the ſtate ſhall pay to the electors, choſen by the legiſlature at this preſent ſeſſion for the purpoſe of electing a preſident and vice-preſident of the United States of America, the

m of twenty ſhillings for each and every day that they reſpectively attended the town of Poughkeepſie for that purpoſe, and the like compenſation for ery thirty miles travelling to the aforeſaid town, and returning to their ſpective places of reſidence.

VI. *And be it further enacted*, That the treaſurer of this ſtate be, and he reby is directed to pay to the ſeveral perſons herein after mentioned, the llowing ſums of money, viz.

To the ſecretary of this ſtate, the amount of his expences in tranſmitting, expreſs, in conformity to the order of the legiſlature, ſix hundred copies the "Act for electing repreſentatives for this ſtate, in the houſe of repreſtatives of the Congreſs of the United States of America," to the ſheriffs of ſeveral counties in this ſtate, agreeably to ſuch account thereof as he ſhall oduce, audited by the auditor for this ſtate.

To his Excellency the Governor, the ſum of two hundred pounds, omiſed by his proclamation, and by him paid to Jonathan Ruſſell, for prehending Jacob Valentine, charged with the murder of an Onondago ief, at Oſwego Falls, in the county of Herkemer, and the further ſum of e hundred and forty three pounds, ſixteen ſhillings, and four pence, by n advanced for incidental expences, attending Indian affairs, for diſpatch- expreſſes, and certain other incidental charges, over and above the ſums ovided for by law.

To William Colbrath, the ſum of twenty eight pounds, ſixteen ſhillings, fundry ſervices and expences, in diſtributing preſents among the Onon- go Indians, by order of his Excellency the Governor, in conſequence of murder of the ſaid Onondago Chief.

To Nicholas Power, the ſum of ten pounds; to Thomas Greenleaf, the m of twelve pounds, and to Robert Barber, the ſum of ten pounds, for bliſhing, in their reſpective newſpapers, the proceedings of the aſſembly, the ſubject of the late committee appointed to canvaſs the votes for go- rnor, lieutenant governor, and ſenators.

To Andrew Cannan, the ſum of twenty four pounds, twelve ſhillings, d ten pence; to Ephraim Hudſon, the ſum of twenty four pounds, ſix llings, and four pence; to William Beekman, the ſum of twenty four unds, twelve ſhillings, and four pence; to Joſeph Whitford, the ſum of enty three pounds four ſhillings; to Joſeph Tunnecliff, the ſum of twenty e pounds twelve ſhillings; to James Moore, the ſum of twenty ſix unds, thirteen ſhillings, and four pence; to Ichabod B. Palmer, the ſum twenty two pounds, eight ſhillings; to John Dickens, the ſum of twenty o pounds eight ſhillings; to Jedediah Peck, the ſum of twenty two pounds, ven ſhillings, and two pence; to James Aplin, the ſum of twenty two unds and ſix pence; to Richard R. Smith, the ſum of twenty one pounds, e ſhilling, and four pence; to Butler Gilbert, the ſum of twenty two unds, eight ſhillings; to Timothy Morſe, the ſum of twenty two pounds, rteen ſhillings, and four pence; to John Harper, the ſum of fourteen unds, eight ſhillings; to James Butterfield, the ſum of twenty five pounds, elve ſhillings; to William Elliſon, the ſum of twenty one pounds, one lling, and four pence, and to Samuel Tubbs, the ſum of twenty one unds, four ſhillings, and ſix pence, being in full for their attendance reſ- ctively as witneſſes before the houſe of aſſembly during the preſent ſeſſion, obedience to the order of the ſaid houſe.

To the ſerjeant at arms of the houſe of aſſembly, the ſum of twenty unds, being the amount of his account for expences incurred by him on

his journey into the county of Otſego, by order of the ſaid houſe, to ſumm the ſaid witneſſes.

To Andrew Cannan, a further ſum of ſixteen pounds; to Benjamin G fin, the ſum of ſixteen pounds; to Jacob G. Fonda, the ſum of ſixteen poun and to Nathaniel Wattles, the ſum of twelve pounds, being in full for th attendance reſpectively before the houſe of aſſembly, during the pre ſeſſion, in obedience to the order of the ſaid houſe, of the third day of D cember laſt, as witneſſes in the inveſtigation had relative to the late can of the votes for governor, lieutenant governor, and ſenators.

To Abraham B. Bancker, clerk of the ſenate, the ſum of four pounds each of the printers in this ſtate, employed by him to publiſh the proceedi of the ſenate relative to the claim of a ſeat in the ſenate by John Livingſto Eſq. and the further ſum of one hundred and nine pounds, ſeven ſhillin and four pence, to compenſate the witneſſes who have attended the ſen on that occaſion, and the meſſenger for ſummoning them; and the treaſu is hereby authoriſed and required to pay unto John Stakes and Nath Strong, the ſeveral ſums due them for their reſpective ſervices as ſerjeant arms to the ſenate, at the rate of ſixteen ſhillings per day; and to the exec tors of David Barclay, deceaſed, the ſum due him for his ſervices as ſerje at arms to the ſenate during the preſent ſeſſion, at the rate of ſixteen ſhilli per day, agreeably to ſuch certificate as may be ſigned by the preſident of t ſenate.

To the ſurveyor general, the ſum of forty two pounds, for defraying t expences that have ariſen on the ſurvey of fifteen lots within the Maſſachuſe reſervation; and a further ſum of five pounds twelve ſhillings, for a refer lot at Oſwago, and a lot reſerved for the Indians at Scawyace.

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LAWS

OF THE

STATE OF NEW-YORK,

Paſſed at the firſt Meeting of the SEVENTEENTH SESSION of the LEGISLATURE of the ſaid STATE.

CHAP. I.

An ACT *for regiſtering Deeds and Conveyances, relating to the Military Bounty Lands.*

Paſſed 8th January, 1794.

WHEREAS it is repreſented to the Legiſlature, that many frauds have been committed reſpecting the titles to the lands granted by this ſtate as bounty lands to the officers and troops of this ſtate who ſerved in the army of the United States, and to others, on account of their military ſervices, in the army of the United States, by forging and antedating conveyances, and by conveying the ſaid lands to different perſons, and by various other contrivances, ſo that it has become very difficult to diſcover in whom the legal title to ſome of the ſaid lands is now veſted: For remedy whereof, and in order to detect the ſaid frauds, and to prevent the like frauds in future,

Certain inſtruments to be depoſited with the clerk of Albany county, on or before the firſt of May next.

I. *Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame,* That all deeds and conveyances heretofore made and executed, or pretended ſo to be, of, or concerning, or whereby any of the ſaid lands may be any way affected in law or equity, ſhall, on or before the firſt day of May, one thouſand ſeven hundred and ninety-four, be delivered to, and depoſited with the clerk of the city and county of Albany, for the time being; and all deeds and conveyances (except mortgages duly regiſtered according to law) heretofore made and executed, or pretended to be, of, or concerning, or whereby any of the ſaid lands may be any way affected in law or equity, which ſhall not be delivered to, and depoſited with, the ſaid clerk, on or before the ſaid firſt day of May aforeſaid, ſhall be adjudged fraudulent, and void againſt the ſubſequent purchaſer or mortgagee for valuable conſideration; and the ſaid clerk ſhall, in the preſence of the perſon delivering the ſame, regiſter the names of every perſon whoſe name ſhall be to any deed as having executed the ſame, in a book to be by him expreſsly provided for that purpoſe, and in alphabetical order, and annex to ſuch name the date of the deed, and the name of the perſon to whom the ſame is granted; for which ſervice the ſaid clerk ſhall receive ſix-pence; and

If not ſo depoſited, ſuch inſtruments to be deemed fraudulent and void.

every ſuch deed ſhall be filed in bundles, marked in alphabetical order, to the end, that perſons inclining to have recourſe thereto, may inſpect the ſame, paying the uſual fees for ſearch and inſpection. And that the ſaid clerk ſhall, on or before the firſt day of June, which will be in the year one thouſand ſeven hundred and ninety-four, deliver all the ſaid deeds and conveyances, ſo depoſited in his office, to the clerk of the county of Herkemer, for the time being, there to remain for the benefit of all perſons intereſted therein; and that all deeds and conveyances hereafter to be made and executed, of, or concerning, or whereby any of the ſaid lands may be any way affected in law or equity, ſhall be recorded by the ſaid clerk of the ſaid county of Herkemer in books to be by him provided for that particular purpoſe, and in which no other matters ſhall be entered; and that every deed and conveyance (except mortgages duly regiſtered according to law) hereafter to be made and executed, of, or concerning, or whereby any of the ſaid lands may be any way affected in law or equity, ſhall be adjudged fraudulent and void againſt any ſubſequent purchaſer or mortgagee for valuable conſideration, unleſs the ſame be recorded as by this act is directed, before the recording the deed or conveyance under which ſuch ſubſequent purchaſer or mortgagee ſhall claim.

Which inſtruments are to be adjudged fraudulent and void

Provided always, That no ſuch deed or conveyance ſhall be recorded unleſs the ſame ſhall be firſt duly acknowledged, by the party who ſhall execute the ſame, before one of the judges of the ſupreme court of the United States, or one of the judges of the ſupreme court of judicature of this ſtate, or a maſter in chancery, or one of the judges of the court of common pleas of the county where the lands intended to be conveyed ſhall be ſituated, and a certificate of ſuch acknowledgment be endorſed upon the deed or conveyance, and ſigned by ſuch judge or maſter in chancery: and no ſuch judge or maſter in chancery ſhall take any ſuch acknowledgment, unleſs he ſhall then know, or have ſatisfactory proof, that the perſon making ſuch acknowledgment is the ſame perſon deſcribed in ſuch deed or conveyance.

II. *And be it further enacted by the authority aforeſaid*, That the ſaid clerk of the county of Herkemer, for the time being, ſhall perſonally reſide at his ſaid office, and ſhall hold no other office at the ſame time, and ſhall, either in perſon, or by ſome ſufficient deputy, for whom he ſhall be reſponſible, give due attendance at his office every day in the week, except Sunday, for the diſpatch of all buſineſs belonging to the ſaid office; and that every ſuch clerk, as often as required, ſhall make ſearches concerning all deeds and conveyances depoſited or recorded in his office, as aforeſaid, and give certificates concerning the ſame under his hand, if required, and make and deliver, upon requeſt of any perſon, a true copy of any deed or conveyance depoſited or recorded in his office, and ſhall be entitled to have and receive for every ſearch one ſhilling, and no more; and for every certificate one ſhilling, and no more; in caſe the ſame do not exceed one hundred words; but if ſuch certificate ſhall exceed one hundred words, then an additional ſum at the rate of ſix pence an hundred for all the words contained in ſuch certificate over and above the firſt one hundred words; and for recording deeds and conveyances, and for every copy of any deed, conveyance, or record in his office, the like fees as the clerks of the ſeveral counties in this ſtate are by law entitled to for the like ſervices.

Deeds, &c. to be considered as recorded from the time of their delivery into the clerk's office.

III. *And be it further enacted by the authority aforesaid,* That every deed and conveyance which shall be delivered at the said office to be recorded, shall be recorded in the order, and as of the time when the same shall be delivered for that purpose, and every such deed and conveyance shall be considered as recorded from the time it is so delivered, and an entry shall be made on the margin of the record thereof of the day of the month, and the year, and the hour, or time of the day such deed or conveyance is so recorded; and a certificate shall be endorsed on every such deed and conveyance, mentioning the certain day, hour, and time when, and the book and page in which the same is so recorded; and the clerk shall sign the said certificate, when so endorsed; which certificate shall be taken and allowed as evidence of such recording in all courts of justice whatsoever.

Clerk's endorsement to be evidence of such recording in all courts.

IV. *And be it further enacted by the authority aforesaid,* That the record of every such deed and conveyance, when so recorded, as aforesaid, shall be taken and allowed as evidence of such deed or conveyance in all courts whatsoever.

Counterfeiters of such endorsements to suffer death.

V. *And be it further enacted by the authority aforesaid,* That if any person shall forge or counterfeit any such certificate or endorsement herein before directed to be made, given, or signed by the said clerk, and be thereof convicted, every such person being convicted thereof, according to the due course of law, shall be deemed guilty of felony, and shall suffer death as a felon.

VI. *And be it further enacted by the authority aforesaid,* That if the said clerk, or any person entrusted by him, shall be guilty of any neglect or misdemeanor, or fraudulent practice, in the execution of this act, such clerk shall be liable to pay treble damages, with full cost of suit, to every person who shall be injured thereby, to be recovered by action of debt, bill, plaint, or information in any court of record.

VII. *And be it further enacted by the authority aforesaid,* That this act shall be deemed, taken, and adjudged to be a public act.

CHAP. II.

An ACT *for raising a further Sum of Money for compleating the Court-House and Goal in the County of Washington.*

Passed 28th January, 1794.

WHEREAS the supervisors of the county of Washington have requested the Legislature to enable them, by law, to raise a further sum of one hundred and fifty pounds to compleat the court-house and goal in the said county—

Supervisors duty to cause to be raised 150l. &c. in Washington and for what purpose, and when.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the supervisors of the said county, at their meeting in May next, shall be, and they are hereby authorized and required to direct to be raised and levied on the freeholders and inhabitants of the said county, the sum of one hundred and fifty pounds, for compleating the court-house and goal in the said county, with an additional sum of one shilling in the pound for collecting the same; which said sums shall be raised, levied,

and collected at the ſame time, and in like manner, as the other neceſſary and contingent charges of the ſaid county are levied and collected.

When to be paid into the county treaſury.

II. *And be it further enacted*, That the ſaid ſum of one hundred and fifty pounds ſhall be collected and paid into the treaſury of the ſaid county on or before the firſt Tueſday of February, one thouſand ſeven hundred and ninety-five; and the treaſurer of the ſaid county is hereby required and directed, out of the money aforeſaid, to pay to the commiſſioners appointed by the act for raiſing money for building a court-houſe and goal in Waſhington county, or their orders, the ſeveral ſums of money to be by them drawn for; and it is hereby made the duty of the ſaid commiſſioners to account with the ſuperviſors of the ſaid county for the monies by them to be received and expended for the purpoſe aforeſaid, when thereunto required.

CHAP. III.

An ACT *for raiſing Monies in arrear from the late Pariſh of Rye, in the County of Weſtcheſter.*

Paſſed 28th January, 1794.

WHEREAS it hath been repreſented to the Legiſlature, that a judgment of fourteen pounds damages hath been obtained by the executors of John Lawrence, deceaſed, againſt Joſhua Purdy, as one of the late church wardens of the late pariſh of Rye, in the county of Weſtcheſter, for monies in arrear to their teſtator for keeping and ſupporting a pauper committed to his care by the ſaid Joſhua Purdy, together with the coſts of ſuit, and that other monies are in arrears from the ſaid late pariſh of Rye to other perſons: Therefore,

Supervifors to aſcertain the amount thereof, with certain coſts, and levy the ſame on the late pariſh of Rye.

I. *Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall and may be lawful for the ſupervifors of the ſaid county of Weſtcheſter, or the major part of them, and they are hereby required, at their next annual meeting, to examine into, and aſcertain the amount of the monies ſo recovered as aforeſaid, as alſo the coſts of defending the ſaid ſuit, and to aſcertain alſo the amount of other monies ſo due from the ſaid late pariſh of Rye as aforeſaid, and to cauſe the ſaid monies, and alſo all ſuch other ſum and ſums of money as they ſhall find to be ſo due, together with one ſhilling in the pound for collecting, and three pence in the pound for the fees of the county treaſurer, for receiving and paying the ſame, to be levied on and raiſed from the towns which conſtitute the ſaid late pariſh of Rye, in the ſame manner as the contingent charges of the ſaid county are uſually raiſed; which monies, when ſo raiſed, ſhall be paid by the collectors reſpectively, to the treaſurer of the ſaid county, on or before the firſt Tueſday of February, in the year one thouſand ſeven hundred and ninety-five, who ſhall pay the ſame, after deducting his fees, to the perſons to whom the monies are due: and if any collector ſhall refuſe or neglect to perform the duty required of him by this act, he ſhall forfeit and pay the ſum of twenty pounds to the treaſurer of the ſaid county, to be recovered with coſts in any court having cognizance thereof, by action of debt, in the name of the treaſurer of the ſaid county for the time being

and to be disposed of for the use of the same county in such manner, and for such purposes, as the supervisors of the said county, or the major part of them, shall think proper and direct.

CHAP. IV.

An ACT *to repeal the fourth Section of the Act, entitled, "An Act more effectually to prevent the Mischief arising from the influence and example of Persons of equivocal and suspected Character in this State."*

Passed 30th January, 1794.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the fourth section of the act, entitled, "An act more effectually to prevent the mischief arising from the influence and example of persons of equivocal and suspected character in this state," be, and the same is hereby repealed.

CHAP. V.

An ACT *to alter the Bounds of the Towns of Bethlehem, Rensselaerville, and Water-Vliet, in the County of Albany.*

Passed 31st January, 1794.

WHEREAS the bounds of the said towns are very inconvenient:—Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That from and after the last Monday in March next, the town of Bethlehem shall be bounded on the north by the south bounds of the city of Albany, so far westerly as to intersect an east line from the junction of the Vly-Kill with the Normans-Kill; then west through the said junction to the east bounds of the town of Rensselaerville: And that from and after the said last Monday in March next, the town of Water-Vliet shall be bounded southerly by the north bounds of the town of Bethlehem, as herein before described; and on the west by a line drawn from the north-west corner of the said town of Bethlehem, as herein before described, on a course north twenty-six degrees west, until it intersects the Boza-Kill, then up along the said Kill to the north bounds of the Manor of Rensselaerwyck: And that all the lands heretofore included in the said town of Water-Vliet, and which are to the westward thereof, as hereby described, shall be included in the said town of Rensselaerville; and that the first town meeting in the town of Bethlehem shall be held at the house of Henry Berhans: *Provided always*, That nothing herein contained shall be construed to include the city of Albany in the said town of Water-Vliet.

CHAP. VI.

An ACT *directing where the Courts of Common Pleas and General Sessions of the Peace for the County of Rensselaer shall be held.*

Passed 3d February, 1794.

WHEREAS a court-house has been lately erected in and for the county of Rensselaer: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall be lawful for judges and assistant justices of the same court of common pleas, who shall hold the next court, or the major part of them, and for the justices of the peace, who shall hold the next court of general sessions of the peace in the same county, or the major part of them, on the first day of the next term or sessions of the same courts respectively, or at any time thereafter, to adjourn the same courts, respectively, to the said court-house in the same county, and there to hold the said courts.

CHAP. VII.

An ACT *to revive the Powers of the Commissioners appointed by an Act, entitled, "An Act for settling the Line or Lines of Division between the Town of Schenectady and the Patent of Kayaderosseras, and to extend the Time for making their Determination."*

Passed 6th February, 1794.

WHEREAS, by the act aforesaid, Zephaniah Platt, James Kent, and Peter Cantine, of the county of Dutchess, and John Cantine and Cornelius C. Schoonmaker, of the county of Ulster, are appointed commissioners to hear and examine the controversy subsisting between the trustees of the town of Schenectady and the proprietors of the patent of Kayaderosseras, respecting the bounds of the said town and patent, and finally, by writing under the hands and seals of them, or any three of them, to fix, ascertain, and determine the boundary line or lines between the said town and patent; and it is thereby enacted, that the determination of the said controversy shall be made within one year from the passing of the said act: And whereas the time limited for making the said determination is expired: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That all and singular the powers given in and by the said act to the commissioners therein named, shall be, and hereby are revived; and the time limited by the act aforesaid for compleating the hearing of, and determining, the said controversy, by the aforesaid commissioners, or any three of them, shall be, and is hereby extended to the first day of January next.

CHAP. VIII.

An ACT *to amend an Act, entitled, "An Act to impower the Justices of the Peace residing in that Part of the Township of Schenectady therein mentioned, to establish and regulate a Night Watch, and for other Purposes therein mentioned."*

Passed 6th February, 1794.

WHEREAS the act, establishing a night watch in the town of Schenectady, has been found inadequate to the objects contemplated therein: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the watch directed in and by the said act shall consist of

such number of men and officer or officers as the justices therein named, or the major part of them, shall direct and appoint; and that the sum of twenty pounds, in the seventh section of the said act, be, and is hereby extended to fifty pounds; any thing in said act to the contrary thereof notwithstanding.

CHAP. IX.

An ACT *to enable the Mayor, Recorder, and Aldermen of the City of New-York to order the raising Monies, by Tax, for the Maintenance of the Poor, and for defraying other Expences in the City and County of New-York.*

Passed 6th February, 1794.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the Mayor, Recorder, and Aldermen of the city of New-York, or the major part of them, of whom the Mayor or Recorder to be one, shall be, and hereby are fully authorized and empowered, as soon as conveniently may be, after the first day of May next, to order the raising a sum, not exceeding thirteen thousand pounds, by a tax on the estates, real and personal, of the freeholders and inhabitants within the city and county of New-York, to be applied to the support and maintenance of the poor of the said city and county, and for purchasing materials to build a new alms-house in the said city; for making repairs and improvements in the goal and bridewell of the said city, and subsisting the criminals from time to time confined therein respectively; for the repairing and maintaining the public roads, and regulating and improving the streets, and for paying the other contingent expences arising within, and properly chargeable to, the said city and county.

After 1st of May next, a tax, not more than 13,000l. to be ordered to be raised in city and county of New-York, for certain purposes.

II. *And be it further enacted*, That it shall and may be lawful for the Mayor, Recorder, and Aldermen aforesaid, or the major part of them, of whom the Mayor or Recorder to be one, as soon as conveniently may be, after the said first day of May next, to order the raising a further sum, not exceeding one thousand pounds, to be assessed, raised, and collected in the manner aforesaid, to be applied to the reimbursement of the said corporation of the said city, for their extra-expenditures over and above the sums heretofore directed to be raised for the purpose of compleating the improvements at the battery and about the government-house, and making the improvements in front of the goal, alms-house, and bridewell of the said city.

A further tax, not exceeding 1000l. to reimburse the corporation.

III. *And be it further enacted*, That it shall and may be lawful for the Mayor, Recorder, and Aldermen aforesaid, or the major part of them, of whom the Mayor or Recorder to be one, as soon as conveniently may be after the said first day of May next, to order the raising a further sum not exceeding six thousand pounds, by a tax on the estates real and personal of the freeholders and inhabitants within the said city, on the south side of a line, beginning at the outlet of the meadow of Anthony Lespinard, into Hudson's river, then extending to and along the north side of the dwelling-house of Nicholas Bayard, thence to and along the north side of the dwelling-

Another tax not more than 6000l. for certain purposes.

houſe of John R. Livingſton, and thence to and along the north ſide of the dwelling-houſe of Abraham Cannen, to the Eaſt river, to be applied to the payment of ſo many watchmen as the Mayor, Aldermen, and Commonalty of the ſaid city in common council convened, ſhall from time to time think neceſſary, for guarding the ſaid city, and alſo the purchaſing oil, providing lamps, and repairing and attending the lamps which now are, and from time to time hereafter may be erected within the ſaid city; and alſo the making and repairing the pumps and wells in the ſaid city, and for the payment of ſuch other contingent charges of the ſaid city, ariſing within the limits abovementioned, and properly chargeable thereto, as the Mayor, Aldermen, and Commonalty of the ſaid city in Common Council convened, ſhall think neceſſary, and from time to time direct; which ſaid ſeveral ſums of money ſhall be rated and aſſeſſed according to the eſtate of each reſpective perſon ſo to be taxed, and be collected in one payment and paid into the hands of the Treaſurer or Chamberlain of the ſaid city, at ſuch time after the ſaid firſt day of May next, as the ſaid Mayor, Recorder, and Aldermen, or the major part of them, ſhall direct and appoint; any thing in the ſecond ſection of the ſtatute, entitled, "An act for the more effectual collection of taxes in the city and county of New York," contained to the contrary, notwithſtanding.

Thoſe ſeveral taxes how to be aſſeſſed, and to be collected in one payment.

IV. *And be it further enacted*, That it ſhall be lawful for the collectors of the ſeventh ward of the ſaid city, to retain in their hands the ſum of one ſhilling in the pound; and the collectors in the ſeveral other wards, the ſum of ninepence in the pound, and no more, for their trouble in collecting and paying to the Treaſurer or Chamberlain of the ſaid city, ſuch ſums of money as ſhall be raiſed by virtue of this act, and that it ſhall and may be lawful for the ſaid Treaſurer or Chamberlain to detain in his hands the ſum of two-pence in the pound, and no more, for his trouble in receiving and paying the ſaid monies.

CHAP. X.

An ACT *to amend the Act, entitled, "An Act for the Regulation of Pilots and Pilotage, for the Port of New York, and for other Purpoſes therein mentioned.*

Paſſed 8th February, 1794.

WHEREAS the Pilotage allowed to the Pilots of the port of New-York, has been found inadequate to their ſervices: Therefore,

I. *Be it enacted by the people of the State of New-York, repreſented in Senate and Aſſembly*, That from and after the paſſing of this act, it ſhall and may be lawful for every Pilot heretofore appointed and commiſſioned, or hereafter to be appointed and commiſſioned, by virtue of the act entitled, "An act for the regulation of Pilots and Pilotage, for the port of New-York, and for other purpoſes therein mentioned," to aſk, demand, and receive, of and from any perſon or perſons who ſhall employ him to pilot any ſhip or other veſſel, from the reſpective places, and in manner in the ſaid act ſpecified, additional pilotage, at the rate of two ſhillings for every foot of water ſuch ſhip or other veſſel ſhall draw over and above the rate of pilotage heretofore allowed in and by the ſaid act; and alſo that it ſhall and may be lawful

to and for every pilot commiſſioned and appointed in manner aforeſaid, or hereafter to be commiſſioned and appointed under the act aforeſaid, to aſk, demand, take, and receive, from any perſon or perſons, who ſhall employ him to pilot any ſhips or other veſſels, being foreign bottoms, the extra allowance of twenty ſhillings on each and every of ſuch ſhips or other veſſels, over and above the rate of pilotage heretofore and herein allowed as aforeſaid.

CHAP. XI.

An ACT *for the better Security of certain Bridges.*

Paſſed 10th February, 1794.

WHEREAS conſiderable expence has accrued in erecting bridges over the Schoharry-Kill, Cats-Kill, and Eaſt and Weſt Canada creeks; and whereas material damage may be done to the ſaid bridges, by trees being carried down the ſaid ſtreams, in times of freſhes or highwater: Therefore,

Be it enacted, by the people of the State of New-York, repreſented in Senate and Aſſembly, That if any perſon or perſons ſhall hereafter cut or cauſe to be cut down any tree or trees, ſo that the ſame ſhall fall into any of the kills or creeks aforeſaid, and ſhall not remove the ſame out of the ſaid kills or creeks within twenty-four hours thereafter, ſuch perſon or perſons ſhall forfeit and pay, for every ſuch tree ſo cut down and left remaining as aforeſaid, the ſum of forty ſhillings, the one-half for the uſe of any perſon who ſhall proſecute for the ſame, together with coſts of ſuit, and the other half to the commiſſioners of highways, to be applied to the repairs of the highways in the town in which the offence ſhall be committed, to be recovered before any juſtice of the peace in the county where the offence ſhall be committed.

CHAP. XII.

An ACT *for Rebuilding the Bridge over the Ramapough Creek, in Orange County, and for other Purpoſes.*

Paſſed 10th February, 1794.

WHEREAS the freeholders and inhabitants of New-Hampſtead, Clarks-Town, and Haverſtraw, in the county of Orange, by their petition to the legiſlature, pray for a law to enable them to raiſe monies for rebuilding the bridge over the Ramapough Creek, in the town of New-Hampſtead, near the houſe of Lewis Shuert, in the Clove, and to repair the road called the Short Clove Road, near Haverſtraw landing: Therefore,

How three towns in Orange are to rebuild a bridge over the Ramapough, and repair the Short Clove Road.

I. *Be it enacted, by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the ſuperviſors of the towns of New-Hampſtead, Clarks Town, and Haverſtraw, or a majority of them, are hereby directed and required, as ſoon as conveniently may be, after the firſt Tueſday in April next, to meet together and appoint not more than two freeholders of one or more of the ſaid towns; one of

them to superintend the rebuilding the said bridge, and the other of them for repairing the said Short Clove Road, and make such alterations in the same as either of them may think necessary and best for public good; and to agree or contract with capable workmen and labourers, to prosecute the rebuilding the said bridge, and repairing the said Short Clove Road.

How and when said towns shall be taxed for said bridge and road; and how much for each.

II. *And be it further enacted*, That the supervisors of the county of Orange, or a majority of them, at their next annual meeting, are hereby authorised and required to cause to be levied and collected from the freeholders and inhabitants of the towns of New-Hampstead, Clarks Town, and Haverstraw, a sum not exceeding eighty pounds, for rebuilding the aforesaid bridge; and a further sum not exceeding twenty pounds, for repairing the said Short Clove road, and shall cause the same to be raised, levied, and collected from the said towns of New-Hampstead, Clarks-Town, and Haverstraw, and to be paid to the county treasurer in like manner, as the other contingent charges of the said county are raised, levied, and paid; and the said treasurer is hereby directed and required to pay the said monies to the persons aforesaid, on their producing an order from the said supervisors for that purpose; and that the said persons shall be allowed for their respective service, such compensation as the supervisors of the county shall deem necessary.

III. *And be it further enacted*, That the persons appointed by virtue of this act, to superintend the rebuilding the bridge and repairing the road aforesaid, shall account for all monies that shall come into their hands by virtue of this act, and shall exhibit their accounts respecting the same (on oath) to the supervisors of the county when thereunto required.

How said bridge and Short Clove road are to be kept always in repair, & the expences paid.

IV. *And be it further enacted*, That the bridge and Short Clove road, before mentioned, at all times hereafter, shall be kept in repair by a public tax on the freeholders and inhabitants of the said three towns; and the commissioners of the highways for the time being, for the said towns, are hereby directed and required, to cause the aforesaid bridge and road to be kept in repair, and an account of the expence attending the same shall be transmitted to the supervisors of the county at their meeting, on the last Tuesday in May in every year, who are to audit, examine, and liquidate the same, and divide the whole amount of the expences so liquidated between the said three towns, in the same proportion as the other contingent charges of the county are apportioned, and cause the same to be levied and collected from the freeholders and inhabitants of the said three towns respectively, and paid to the county treasurer in like manner as the other contingent charges of the county are raised and paid; and the said treasurer is hereby directed and required, from time to time, to pay the said monies to the said commissioners of the said towns respectively, on their producing an order or orders from the supervisors as is usual in other cases.

Division line between New-Hampstead & Haverstraw.

V. *And whereas* it appears in the fourth section of the act entitled, "An act for dividing the towns therein mentioned, passed the eighteenth day of March, one thousand seven hundred and ninety one," that the division line between

the towns of New-Hampſtead and Haverſtraw, are improperly deſignated: Therefore,

VI. *Be it further enacted*, That inſtead of the north bounds of the lands of Gabriel Conklin, in the diviſion line between the towns of New-Hampſtead and Haverſtraw, that the ſouth bounds of ſaid lands be part of the line of diviſion between the ſaid towns.

CHAP. XIII.

An ACT *to repeal the Act, entitled, "An Act for the better laying out and keeping in Repair the public Highways and private Roads in the County of Weſtcheſter.*

Paſſed 10th February, 1794.

BE *it enacted, by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the act, entitled, "An act for the better laying out and keeping in repair the public highways and private roads in the county of Weſtcheſter," paſſed the 24th day of February, one thouſand ſeven hundred and ninety-two, and the act, entitled, "An act to extend the act, entitled, an act for the better laying out and keeping in repair the public highways and private roads in the county of Weſtcheſter, to certain roads in the county of Montgomery," ſhall be and hereby are repealed.

CHAP. XIV.

An ACT *authoriſing the Mayor, Aldermen, and Commonalty of the City of Albany to raiſe a Sum by Tax for the ſupport of a Night Watch, for one Year.*

Paſſed 10th February, 1794.

WHEREAS the Mayor, Aldermen, and Commonalty of the city of Albany have, by their petition, requeſted a law authoriſing them to raiſe a ſum not exceeding four hundred pounds, for the ſupport of a night-watch in the ſaid city, for one year: Therefore,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, That it ſhall and may be lawful to and for the ſaid Mayor, Aldermen, and Commonalty, in common council, as ſoon as conveniently may be, after paſſing of this act, to order the raiſing a ſum not exceeding four hundred pounds, by a tax on the eſtates real and perſonal, of all and every the freeholders and inhabitants, within the ſaid city, within half a mile of Hudſon's river, and on the north ſide of a weſt line drawn from Hudſon's river, at the north corner of a tract of land, commonly called the Dutch Church Paſture, to be applied to the payment of ſo many Watchmen as the ſaid Mayor, Aldermen, and Commonalty have employed, or ſhall think neceſſary to employ, for guarding the ſaid city for one year; which ſaid ſum ſhall be rated and aſſeſſed by the aſſeſſors of the ſaid city, for the time being, and levied and collected in the ſame manner as hath heretofore been accuſtomed within the ſaid city, for levying and collecting the tax for the maintenance of the poor and other contingent charges within the ſaid city; and that the tax ſhall be paid into the hands of the chamberlain of the ſaid city; for the time being, to be applied and diſpoſed of from time to

time, in such manner, for the purposes herein before mentioned, as the said Mayor, Aldermen, and Commonalty of the said city in common council shall direct and appoint.

CHAP. XV.

An ACT *to repeal the Act therein mentioned, relative to French Coins.*

Passed 15th February, 1794.

BE *it enacted, by the People of the State of New-York, represented in Senate and Assembly*, That the act, entitled, "An act declaring the rates at which French crowns and guineas shall be received in payment of taxes, and other public monies due to this State, and making it felony to counterfeit any silver French Coins, shall be, and the same is hereby repealed.

CHAP. XVI.

An ACT *relative to the Goal of the County of Ontario.*

Passed 25th February, 1794.

BE *it enacted, by the People of the State of New-York, represented in Senate and Assembly*, That the building erected in the town of Canadaqua, in the county of Ontario, for the purpose of confining prisoners shall, and is hereby declared to be the gaol of said county.

CHAP. XVII.

An ACT *to amend the Act, entitled, "An Act, to divide the Towns therein mentioned.*

Passed 25th February, 1794.

I. BE *it enacted, by the People of the State of New-York, represented in Senate and Assembly*, That all the towns erected in and by the act, entitled, "An act to divide the towns therein mentioned," passed the twelfth day of March, in the year one thousand seven hundred and ninety-three, shall be erected into distinct and separate towns, from and after the last Monday of March next, any thing in said act to the contrary notwithstanding.

II. *And be it further enacted*, That the name Victor I. Putman, mentioned in the second enacting clause of the said act, shall henceforth be considered as Victor A. Putman.

CHAP. XVIII.

An ACT *for erecting Lands, called the Military Tracts, into a separate County.*

Passed 5th March, 1794.

I. BE *it enacted, by the People of the State of New-York, represented in Senate and Assembly; and it is hereby enacted by the authority of the same*, That all the tract of land called the Military Tract, bounded westerly

The military lands erected into a county named Onondaga, its limits and bounds particularly described.

by the county of Ontario, northerly by lake Ontario, the Onondaga river, and the Oneida lake; easterly by the east bounds of the lands in the said tract, laid out for townships, and called by the names of Cincinnatus, Solon, Fabius, and Pompey, and the easterly and northeasterly bounds of lands in the said tract, laid out for townships, and called by the names of Manlius and Cicero, as the same have been run and marked by the Surveyor General of this State, and southerly, by the south bounds of the lands in the said tract, laid out for townships, and called by the names of Cincinnatus, Virgil, Dryden, Ulysses, and Hector, as the same have been run and marked by the Surveyor General of this State, and the same line continued to the east bounds of the county of Ontario, shall be one separate county, and be called and known by the name of Onondaga.

The courts of said county and their terms, when to commence and end.

II. *And be it further enacted, by the authority aforesaid,* That there shall be held in and for the said county of Onondaga, a court of common pleas, and a court of general sessions of the peace, and that there shall be two terms of the said courts in every year, to commence and end as follows; that is to say, the first term of the said courts shall begin on the fourth Tuesday of May, and shall continue and be held until the Saturday following, inclusive; and the second term of the said courts shall begin on the fourth Tuesday of December, and shall continue and be held until the Saturday following, inclusive; and the said courts of common pleas and general sessions of the peace, shall have the same jurisdiction, powers, and authorities in the same county as the courts of common pleas, and general session of the peace in the other counties of this State have in their respective counties. *Provided always*, that nothing in this act contained, shall be construed to affect any suit or action already commenced, or that shall be commenced, or any criminal proceeding had, or to be had before the fourth Tuesday of May next; but all such criminal and civil proceedings shall and may be prosecuted to trial, judgment, and execution, as if this act had never been made.

Courts to be held at two places alternately.

III. *And be it further enacted, by the authority aforesaid,* That until other legislative provision be made in the premises, the courts of common pleas and general sessions of the peace in the said county of Onondaga, shall be held alternately, at the house now occupied by Reuben Patterson, in the town of Manlius, and at the house of Seth Phelps, in the town of Scipio, beginning with the first.

Prisoner to be confined in Herkemer gaol.

IV. *And be it further enacted, by the authority aforesaid,* That it shall and may be lawful for all courts and officers of the said county of Onondaga, in all cases civil and criminal, to confine their prisoners in the gaol of the county of Herkemer, until a gaol shall be provided in the same county of Onondaga.

Onondaga divided into eleven towns, viz. Homer, Pompey, Manlius, Lysander, Marcellus, Ulysses, Hilton, Scipio, Aurelius, Ovid, Romulus.

V. *And be it further enacted, by the authority aforesaid,* That all that part of the said county of Onondaga, comprehending the townships of Homer, Solon, Virgil, and Cincinnatus, shall be and hereby is erected into a town by the name of *Homer*, and that the first town meeting to be holden in and for the said town of Homer, shall be held at the house of John Miller, in the said town: and that all that part of the said

county, comprehending the townſhips of Pompey, Tully, and Fabius, together with that part of the lands called the Onondaga Reſervation, bounded northerly by the road leading through the ſaid Reſervation, commonly called the Geneſee road, and weſterly by the Onondaga creek, ſhall be, and hereby is, erected into a town by the name of *Pompey*, and that the firſt town-meeting to be holden in and for the ſaid town of Pompey, ſhall be held at the houſe of Ebenezer Butler, junior, in the ſaid town: and that all that part of the ſaid county, comprehending the townſhip of Manlius, together with that part of the ſaid Onondaga Reſervation, bounded ſoutherly by the aforeſaid road, and weſterly by the ſaid Onondaga creek, and the Salt lake, ſhall be and hereby is erected into a town by the name of *Manlius*, and that the firſt town-meeting to be holden in and for the ſaid town of Manlius, ſhall be held at the houſe of Benjamin Moorehouſe, in the ſaid town.—And that all that part of the ſaid county, comprehending the townſhips of Lyſander, Hannibal, and Cicero, ſhall be, and hereby is erected into a town by the name of *Lyſander*, and that the firſt town meeting to be holden in and for the ſaid town of Lyſander, ſhall be held at the houſe of Rial Bingham, at Three Rivers in the ſaid town.—And that all that part of the ſaid county, comprehending the townſhips of Camillus and Marcellus, together with all the reſidue of the Onondaga Reſervation, and the reſidue of the reſerved lands lying ſouthweſt of the ſaid Salt lake, ſhall be, and hereby is erected into a town by the name of *Marcellus*, and that the firſt town meeting to be holden in and for the ſaid town of Marcellus, ſhall be held at the houſe of Moſes Carpenter in the ſaid town.—And that all that part of the ſaid county, comprehending the townſhips of Ulyſſes and Dryden, ſhall be, and hereby is erected into a town by the name of *Ulyſſes*, and that the firſt town meeting to be holden in and for the ſaid town of Ulyſſes, ſhall be held at the houſe of Peter Hympagh, in the ſaid town.—And that all that part of the ſaid county comprehending the townſhips of Milton and Locke, ſhall be, and hereby is erected into a town by the name of *Milton*, and that the firſt town meeting to be holden in and for the ſaid town of Milton, ſhall be held at the houſe of Jonathan Woodworth in the ſaid town.—And that all that part of the ſaid county, comprehending the townſhips of Scipio and Sempronious, together with that part of the lands reſerved to the Cayuga nation of Indians, lying on the eaſt ſide of the Cayuga lake, ſouth of a weſt line drawn from the ſouthweſterly corner of the townſhip of Aurelius, to the eaſt bounds of the ſaid Reſervation to the ſaid Cayuga lake, ſhall be, and hereby is erected into a town by the name of *Scipio*, and that the firſt town meeting to be holden in and for the ſaid town of Scipio, ſhall be held at the houſe of Auguſtus Chidſey in the ſaid town.—And that all that part of the ſaid county comprehending the townſhips of Cato, Brutus and Aurelius, together with that part of the lands reſerved to the Cayuga nation of Indians as aforeſaid, lying on the eaſt ſide of the Cayuga lake and not included in the laſt mentioned town of Scipio, ſhall be, and hereby is erected into a town by the name of *Aurelius*, and that the firſt town meeting to be holden in and for the ſaid town of Aurelius, ſhall be held at the houſe of Prentice Palmer in the ſaid town.—And that all that part of the ſaid county comprehending the townſhips of Ovid and Hector, and all the lands in the ſaid county of Onondaga, lying on the weſt ſide of the Seneca lake, ſhall be, and hereby is erected into a town

y the name of *Ovid*, and that the first town meeting to be holden in and or the said town of Ovid, shall be held at the house of James Jackson in the id town.—And that all that part of the said county comprehending the ownships of Romulus, Junius, and Galen, together with the lands lying est of the townships of Hannibal and Cato, north of the said township f Galen, and south of Lake Ontario, as also all that part of the lands reerved to the Cayuga nation of Indians, lying on the west side of the Cayga lake, shall be, and hereby is erected into a town by the name of *Romuus*, and that the first town meeting to be holden in and for the said town f Romulus, shall be held at the house of Benajiah Boardman, in the id town.

Rights, powers, nd privileges of id county and its owns.

VI. *And be it further enacted, by the authority aforesaid*, That the freeholders and inhabitants of the said county of Onondaga, and of the several towns therein, shall have and enjoy within the same respectively, all and every the same rights, powers, and privileges, that the freeholders and inhabitants f the several other counties and towns within this State, are by law entitled o have and enjoy.

Votes for a member of Assembly, ow given and disposed of, until further legal provision.

VII. *And be it further enacted, by the authority aforesaid*, That until other provision shall be made by law, the freeholders and inhabitants of the said county of Onondaga shall give their votes for a member of the Assembly, in the same manner as if the said county of Onondaga was part of the county of Herkemer, and that the votes taken in the said county of nondaga at each election for a member of the assembly, shall be delivered y the clerk of the said county of Onondaga, to any one of the supervisors, f the said county of Onondaga, who shall carry the same to the office f the clerk of the county of Herkemer, without delay; and the said erk of the county of Herkemer shall deliver the same to the supervisors f the said county, on the last Tuesday of May in every year, and the me, together with the votes taken at the same election in the said county f Herkemer, shall be canvassed by the supervisors of the county of Herkener, and by any one or more of the supervisors of the county of Onondaga, who may attend for that purpose.

CHAP. XIX.

An ACT *concerning Pardons.*

Passed 12th March, 1794.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same*, That shall and may be lawful for the person administering the government of his state for the time being, in all cases in which he is authorized, by the onstitution, to grant pardons, to grant the same upon such conditions, and with such restrictions, and under such limitations, as he may think roper.

CHAP. XX.

An ACT *for the Relief of William Bedel.*

Paſſed 12th March, 1794.

WHEREAS it appears, that William Bedel, of the county of Weſtcheſter, hath a claim on bond againſt the forfeited eſtate of Nathan Whitney, conditioned for the payment of fifty pounds with intereſt, and that the ſum thereon hath been liquidated according to the act in ſuch caſe made and provided, at ninety-ſix pounds nine ſhillings and five-pence, but that the application for the payment of the ſame, was not made to the treaſurer of this State, within the time limited for that purpoſe: Therefore,

Be it enacted, by the People of the State of New York, repreſented in Senate and Aſſembly, That upon the delivery of the bond aforeſaid to the treaſurer of this State, the ſaid treaſurer ſhall, out of any monies in the treaſury, ariſing from the ſales of the eſtate of the ſaid Nathan Whitney, pay to the ſaid William Bedel, or his legal repreſentative, the ſaid ſum of ninety-ſix pounds nine ſhillings and five-pence.

CHAP. XXI.

An ACT *for the better extinguiſhing Fires in the City of Hudſon.*

Paſſed 19th March, 1794.

I. BE *it enacted, by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall and may be lawful for the mayor, recorder, aldermen, and commonalty of the city of Hudſon, in common council convened, or the major part of them, to nominate and appoint a ſufficient number of men (willing to accept) not exceeding twenty, to every fire engine now provided, or hereafter to be provided for the uſe of ſaid city, out of the inhabitants being freeholders or freemen of the ſaid city, to have the care, management, working, and uſing the ſaid fire engines, and the other tools and inſtruments now or hereafter to be provided, for extinguiſhing fires within the ſaid city; which perſons ſo to be nominated and appointed as aforeſaid, ſhall be called the firemen of the city of Hudſon, who are hereby required to be ready at all times, as well by night as by day, to manage, work, and uſe the ſaid fire engines, and other tools and inſtruments aforeſaid.

II. *And be it further enacted*, That each of the perſons ſo to be nominated and appointed a fireman ſhall, during his continuance in office, be exempted and privileged from ſerving in the office of conſtable, and from being impanelled upon any jury or inqueſt (except in the mayor's court of the ſaid city) and for this purpoſe the name of each fireman to be appointed by virtue of this act ſhall be entered with the clerk of the ſaid city, and his certificate ſhall be ſufficient evidence in all courts and elſewhere, of ſuch exemption and privilege: And further, that the ſaid mayor, recorder, aldermen, and commonalty, in common council convened, or the major part of them, ſhall have power, from time to time, to remove any firemen ſo to be appointed, and others to appoint in the ſtead of thoſe removed, when, and as often as they ſhall think proper: And further, That it ſhall be lawful for the ſaid mayor, recorder, aldermen, and

Firemen removeable, &c. at the pleaſure of the corporation, who are to ordain rules, &c. for their duty and behaviour.

commonalty, or the major part of them, in common council convened, to make, eſtabliſh, and ordain ſuch rules and regulations for the government, duty, and behavior of the perſons ſo to be appointed firemen as aforeſaid, in the working and frequent uſing and trying the ſaid fire engines, tools, and inſtruments, and to impoſe ſuch reaſonable fines and penalties upon ſuch firemen, or any of them, for default in performing the duties thereby to be enjoined or required from them, as they from time to time may think proper.

Duty of marſhal and conſtables on the breaking out of fires.

III. *And be it further enacted*, That upon the breaking out of any fire within the ſaid city, the marſhal and conſtables then being in the ſaid city, upon notice thereof, ſhall immediately repair to the place where ſuch fire ſhall happen, with their ſtaves and other badges of authority, and be aiding and aſſiſting, as well in extinguiſhing the ſaid fires, as in preventing any goods from being ſtolen, and alſo in removing and ſecuring the ſame; and, in the execution of the duties required of them by this act, ſhall, in all reſpects, be obedient to the mayor, recorder, and aldermen of the ſaid city, or ſuch of them as ſhall be preſent at any ſuch fires.

Fire-buckets to be provided by order, and fines impoſed for diſobedience.

IV. *And be it further enacted*, That it ſhall be lawful for the mayor, recorder, aldermen, and commonalty of the ſaid city, or a major part of them, in common council convened, to direct and require the inhabitants or owners of dwelling-houſes and other buildings in the ſaid city, to provide themſelves with ſuch and ſo many fire-buckets, to be ready in ſuch houſes and buildings, for the purpoſe of extinguiſhing fires, and to impoſe ſuch reaſonable fines and penalties for diſobedience thereof as they ſhall think proper.

CHAP. XXII.

An ACT *reſpecting the Streets and Highways in the City of Hudſon.*

Paſſed 19th March, 1794.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall and may be lawful for the mayor, recorder, aldermen, and commonalty of the city of Hudſon, in common council convened, or a major part of them, to raiſe a ſum of money upon the freeholders and inhabitants of the ſaid city, not exceeding two hundred and twenty pounds, for the purpoſe of making, mending, and repairing the ſtreets, roads, and highways therein, to be aſſeſſed, collected, and paid in ſuch manner as the other contingent charges of the ſaid city are directed by law to be aſſeſſed, collected, and paid.

CHAP. XXIII.

An ACT *concerning the Partition of Lands, of which Cadwallader Colden, deceaſed, was Tenant in common.*

Paſſed 20th March, 1794.

WHEREAS Cadwallader Colden, deceaſed, in and by his laſt will and teſtament, directed, that all his lands ſhould be divided into five equal paſſes, and that the ſame ſhould be ballotted for, and aſſigned to his ſeveral

children, being five in number, or to their reſpective repreſentatives. *And whereas* Cadwallader Colden, ſurviving executor of the ſaid Cadwallader Colden, deceaſed, did allot the real eſtate of his ſaid teſtator into five equal claſſes, and did execute a deed of partition therefor, in purſuance of the ſaid will: That in the ſaid claſſes was contained the undivided ſhares of lands in which the ſaid Cadwallader Colden, deceaſed, was tenant in common. *And whereas*, in and by the ſaid will, the ſaid Cadwallader Colden, ſurviving executor aforeſaid, was alſo authorized, for the purpoſes of making a more juſt and equal diviſion of the real eſtate of the ſaid teſtator, to ſell the whole, or any part thereof, and alſo to divide, and execute deeds of partition of any lands which the ſaid teſtator held in common. *And whereas* the ſaid teſtator was, at the time of his deceaſe, tenant in common of ſeveral large tracts of land; particularly, of a tract of thirty thouſand acres of land, granted to John Rapalie and others; which ſaid tract of land, at a conſiderable expence, hath been ſurveyed and ſubdivided into farms or allotments, in order to make a fair and equal partition thereof among all the proprietors of the ſame. *And whereas* the one fifth part of the ſaid tract of land, and of all other tracts of land of which the ſaid Cadwallader Colden, deceaſed, at the time of his death, was tenant in common, belongs to the repreſentatives of Alexander Colden, deceaſed, who was one of the children of the ſaid Cadwallader Colden, deceaſed, ſeveral of whom are abſent beyond ſeas, and minors. *And whereas* doubts have ariſen, whether, by reaſon of the ſaid deed of partition, the ſaid Cadwallader Colden, ſurviving executor aforeſaid, can, by law, execute the truſt repoſed in him by the ſaid teſtator, relative to the partition of his ſaid eſtate. *And whereas* all the perſons holding under the aforeſaid partition-deed, excepting the repreſentatives of Alexander Colden, deceaſed, have prayed the interpoſition of the legiſlature in and reſpecting the premiſes, with which the largeſt proprietor under the ſaid Alexander Colden, deceaſed, hath joined; and this being a caſe in which legiſlative interpoſition will ſerve as well to promote the intereſt of each of the parties concerned in the ſaid eſtate, as to carry the intention of the teſtator into effect: Therefore,

I. *Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame*, That the ſaid Cadwallader Colden, together with Goldſbrow Banyar and James Fairlie, ſhall be, and they are hereby conſtituted truſtees for the purpoſe of dividing and executing deeds of partition of any of the real eſtate whereof the ſaid Cadwallader Colden, deceaſed, at the time of his death, was ſeized as tenant in common, according to the true intent and meaning of his ſaid will, and for the ſubdiviſion thereof in and among the repreſentatives and deviſees of the ſaid Cadwallader Colden, deceaſed; and that it ſhall and may be lawful for the ſaid Cadwallader Colden, ſurviving executor as aforeſaid, and the ſaid Goldſbrow Banyar and James Fairlie, or the ſurvivors or ſurvivor of them, and they are hereby empowered and authorized, in their own names, or in the name of the ſurvivors or ſurvivor of them, as truſtees or truſtee under this act, to join with all or any of the proprietors of all or any of the tracts of land whereof the ſaid Cadwallader Colden, deceaſed, was tenant in common, in all acts and proceedings neceſſary for the equal diviſion thereof, and to do all acts neceſſary or proper for the ſubdiviſion thereof, in and among the repreſentatives and deviſees of the ſame, under the will of the ſaid Cadwallader Colden, deceaſed, and on ſuch diviſion

ſubdiviſion as they, or the ſurvivors or ſurvivor of them, may judge neceſſary to repreſent and to act for, and in behalf of all the repreſentatives and deviſees of the ſaid Cadwallader Colden, deceaſed, and all perſons holding under them, or any of them, as well in their joint as in their ſeveral capacities, and to execute all deeds, aſſignments, and other inſtruments of writing which may be proper and neceſſary for rendering ſuch diviſion and partition, or ſubdiviſion and partition, as the caſe may be, final and concluſive, in and among all parties who may be intereſted therein. *Provided always*, That to give effect to any partition under this act, every proceeding therein, as far as relates to the ſaid Cadwallader Colden, Goldſbrow Banyar, and James Fairlie, ſhall be approved of in writing by one or more of the juſtices of the ſupreme court of judicature of this ſtate; and that the truth of all ſurveys, field books, and maps of the ſurveyor or ſurveyors, entruſted to make any ſurvey, ſubdiviſions, and allotments, and which may be uſed for the purpoſes of making partition as aforeſaid, ſhall be proved by his or their oath, to be adminiſtered by the ſaid juſtices, or one of them.

II. *And be it further enacted by the authority aforeſaid*, That all expences attending the execution of the truſt hereby repoſed in the ſaid Cadwallader Colden, Goldſbrow Banyar, and James Fairlie, ſhall be paid by the ſaid Cadwallader Colden, ſurviving executor aforeſaid, and ſhall be by him charged to the eſtate of the ſaid Cadwallader Colden, deceaſed, to be paid by the reſpective deviſees and the repreſentatives of the ſaid Cadwallader Colden, deceaſed, in proportion to the ſeveral intereſts in his ſaid eſtate, by virtue of his ſaid laſt will and teſtament.

CHAP. XXIV.

An ACT *for the Relief of Walter Vrooman Wimple.*

Paſſed 22d March, 1794.

WHEREAS it appears, that Walter Vrooman Wimple, treaſurer of the county of Columbia, has paid into the treaſury of this ſtate the ſum of one hundred and ſixty-nine pounds, ten ſhillings, and three-pence, in certificates, in anticipation of taxes to be collected in the ſaid county, purſuant to an act of the legiſlature, paſſed the 27th day of February, one thouſand ſeven hundred and eighty-nine. *And whereas* the arrears of the taxes on which ſuch anticipated payment was made, were afterwards remitted by law, whereby the ſaid Walter Vrooman Wimple was deprived of the power of reimburſing himſelf: Therefore,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame, That the treaſurer of this ſtate ſhall, and he is authorized to credit the treaſurer of the county of Columbia on the arrears of taxes due from the ſaid county for the years one thouſand ſeven hundred and eighty-ſix, one thouſand ſeven hundred and eighty-ſeven, and one thouſand ſeven hundred and eighty-eight, with the ſum of one hundred and ten pounds, four ſhillings, and three-pence, which ſhall be in full for the ſum of one hundred and ſixty-nine pounds, ten ſhillings, and three-pence, paid by the treaſurer of the ſaid county, in anticipation of the taxes due therefrom previous to the ſaid year one thouſand ſeven hundred and eighty-ſix, and which were by law remitted; and which ſum the ſaid Walter Vrooman Wimple ſhall retain in his hands out of the arrears ſtill due from the ſaid county, when collected, in full of the anticipation ſo made as aforeſaid.

CHAP. XXV.

An ACT *for the Relief of Zina Hitchcock, Philip Smith, and James Caldwell.*

Paſſed 22d March, 1794.

WHEREAS Zina Hitchcock and Philip Smith purchaſed of the commiſſioners of the land-office one thouſand and eighty-one acres of land, ſituate in the county of Waſhington, and accordingly obtained letters patent for the ſame, under the great ſeal of this ſtate, bearing date the eighteenth day of January, one thouſand ſeven hundred and ninety-two, the greateſt part of which ſaid land had been previouſly granted and patented under the late colony of New-York: Therefore,

I. *Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall and may be lawful to and for the commiſſioners of the land-office, and they are hereby directed to cauſe to be laid out for the ſaid Zina Hitchcock and Philip Smith, at their expence, a tract of unappropriated land within this ſtate, ſituate and being within the counties of Waſhington or Clinton, or elſewhere, north of the Mohawk river, not exceeding one thouſand and eighty-one acres of land, of equal value, as near as may be, to the ſaid one thouſand and eighty-one acres of land heretofore granted to the ſaid Zina Hitchcock and Philip Smith, at the time of the grant to them, and to cauſe the ſame to be granted by letters patent under the great ſeal of this ſtate, to them and their heirs and aſſigns, upon their granting and ſurrendering, in due form of law, all their right, title, and intereſt, of, in, and to the ſaid one thouſand and eighty-one acres, abovementioned to have been patented as aforeſaid, by the ſaid Zina Hitchcock and Philip Smith, to the people of this ſtate.

And whereas James Caldwell, as appears to the legiſlature, did locate two hundred acres of land in the county of Waſhington, by virtue of a claſs right, and has received letters patent for the ſame, the greateſt part of which land appears to have been previouſly patented under the late colony of New-York: Therefore,

II. *Be it further enacted*, That it ſhall and may be lawful for the commiſſioners of the land-office, and they are hereby directed to cauſe to be laid out for the ſaid James Caldwell, at his own expence, a tract of unappropriated land within this ſtate, ſituate and being within the counties of Waſhington or Clinton, or elſewhere, north of the Mohawk river, not exceeding two hundred acres, of equal value, as near as may be, to the ſaid two hundred acres of land heretofore granted to the ſaid James Caldwell, as aforeſaid, at the time of the grant thereof, and to cauſe the ſame to be granted by letters patent, under the great ſeal of this ſtate, to him and to his heirs and aſſigns, upon his ſurrendering and granting, in due form of law, all his right, title, and intereſt of and to the ſaid two hundred acres of land, abovementioned to have been granted, as aforeſaid, to him.

CHAP. XXVI.

An ACT *giving Relief to certain Perſons having Claims againſt forfeited Eſtates, and for other Purpoſes therein mentioned.*

Paſſed 22d March, 1794.

WHEREAS it hath been repreſented to the legiſlature, that Joſeph Merritt, and Robert Bloomer, late of Rye, in the county of Weſt-

Joseph Merritt and Robert Bloomer, deceased, executed a bond to Francis Van Cortlandt, for 70l. which is paid.

chester, yeoman, deceased, in the life time of the said Joseph Merritt, and of the said Robert Bloomer, to wit, on the nineteenth day of March, one thousand seven hundred and seventy-three, executed to Francis Van Cortlandt, of Yonkers, in the county aforesaid, a bond, for the proper debt of the said Joseph Merritt, conditioned for the payment of seventy pounds, on or before the nineteenth day of March then next, with lawful interest for the same; that Joseph Willson and William Brundage, executors of the last will and testament of the said Robert Bloomer, deceased, did, on the twenty-sixth day of March, one thousand seven hundred and eighty-seven, pay, in discharge of the said bond, the sum of eighty pounds; that the estate of the said Joseph Merritt hath been confiscated, and that there is now in the treasury, after paying the claims that have been legally made against the forfeited estate of the said Joseph Merritt, a sum more than sufficient to pay to the said executors the above said sum, with interest for the same:—Therefore,

The executors of said Bloomer paid the said bond.

There is property sufficient of the forfeited estate of said Merritt in the treasury to repay the same

I. *Be it enacted by the people of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the said Joseph Willson and William Brundage, executors as aforesaid, to present a petition to the chancellor, or one of the judges of the supreme court of judicature of this state, for the time being, stating their claim against the estate of the said Joseph Merritt, giving the attorney general of this state at least twenty days previous notice thereof, and delivering to him a copy of such petition, with the said notice, in order that he may attend in behalf of the people of this state; and the said chancellor or judge to whom such petition shall be addressed and presented, shall be, and hereby is authorized and required to hear and examine the claim of the said Joseph Willson and William Brundage, and all matters *concerning* the same, and, according to equity and good conscience, to determine and ascertain whether any, and what sum of money ought to be paid out of the estate of the said Joseph Merrit, for, or by reason of the said bond and payment as aforesaid, to indemnify the estate of the said Robert Bloomer; and shall make and subscribe a certificate of such determination, directed to the treasurer of this state; and the said treasurer is hereby authorized and required to pay to the said Joseph Willson and William Brundage, out of any money then in the treasury not otherwise appropriated, such sum as shall be ascertained by such certificate to be due or payable to them, out of the estate of the said Joseph Merritt, taking a receipt for the same upon the said certificate.

Reciting, that devisees of Volkert Douw have set forth, that he and William Bayard entered into a bond to the elders of the Dutch church in Albany, in the sum of 800l. and that said Bayard made several payments thereon, &c

And whereas Hendrick Othoudt, and Catharine Douw, widow and relict of Andrew Douw, deceased, in behalf of themselves and others, the heirs and devisees of Volkert Douw, deceased, have set forth, by their petition, that on the fifth day of January, in the year one thousand seven hundred and sixty-five, the aforesaid Volkert Douw did become bound with William Bayard, late of the city of New-York, as his surety, unto the minister, elders, and deacons of the Reformed Protestant Dutch-church of the city of Albany, in the sum of eight hundred pounds, current money of this state, payable, with interest, at the rate of six per cent. in one year from the

date of the ſaid bond, on which ſaid bond the ſaid William Bayard made ſeveral payments, which were endorſed thereon, and that a large balance ſtill remains due on the ſaid bond. *And whereas* the ſaid Volkert Douw died previous to the late war. *And whereas* a ſuit has been commenced againſt the heirs and deviſees of the ſaid Volkert Douw, deceaſed, upon the ſaid bond, and on which a judgment muſt ſoon be obtained. *And whereas* the ſaid William Bayard, during the late war between the king of Great Britain and the United States of America, was convicted of the offence of adhering to the enemies of this ſtate, and his eſtate became thereby forfeited, and the produce thereof depoſited in the treaſury of this ſtate, and the ſaid petitioners pray, that the legiſlature will grant relief in the premiſes, by directing the amount remaining due upon the ſaid bond to be paid out of the forfeited eſtate of the ſaid William Bayard: Therefore,

Deviſees of ſaid Douw to preſent a petition to the chancellor or one of the judges, ſtating their claim againſt ſaid Bayard's eſtate, for a determination, whether any, and what ſum ought to be paid them out of ſaid Bayard's eſtate, &c.

II. *Be it further enacted*, That it ſhall be lawful for the heirs and deviſees of the ſaid Volkert Douw to preſent a petition to the chancellor or one of the judges of the ſupreme court of judicature of this ſtate, for the time being, ſtating their claim againſt the eſtate of the ſaid William Bayard, by reaſon of the premiſes, giving the attorney general of this ſtate at leaſt twenty days previous notice thereof, and delivering to him a copy of ſuch petition with the ſaid notice, in order that he may attend in behalf of the people of this ſtate; and the chancellor or judge to whom ſuch petition ſhall be addreſſed and preſented, ſhall be, and hereby is authorized and required to hear and examine the ſaid claim of the ſaid heirs and deviſees, and all matters concerning the ſame, and to determine and aſcertain whether any, and what ſum of money ought to be paid out of the eſtate of the ſaid William Bayard, to indemnify the ſaid heirs and deviſees, by reaſon of the ſaid Volkert Douw becoming ſecurity, as aforeſaid, for the ſaid William Bayard, and ſhall make and ſubſcribe a certificate of ſuch determination, directed to the treaſurer of this ſtate; and the ſaid treaſurer is hereby authorized and required to pay, on behalf of the ſaid heirs and deviſees, to the ſaid miniſter, elders, and deacons of the Reformed Proteſtant Dutch church in the city of Albany, out of any money then in the treaſury, not otherwiſe appropriated, ſuch ſum as ſhall be aſcertained by ſuch certificate to be due and payable to them, out of the eſtate of the ſaid William Bayard, taking a receipt for the ſame upon the ſaid certificate, from the ſaid miniſter, elders, and deacons of the Reformed Dutch church in the city of Albany, in full of the bond aforeſaid.

Reciting, that John Tabor Kempe, by his bill obligatory, was bound to John M'Keſſon, in the ſum of 36l. 8s.

And whereas John Tabor Kempe, by his certain bill obligatory, bearing date the twenty ſeventh day of June, in the year of our Lord one thouſand ſeven hundred and ſixty-ſix, became bound to John M'Keſſon, for the payment of the ſum of thirty-ſix pounds and eight-pence, on demand.

And that the eſtate of ſaid Kempe was forfeited.

And whereas the eſtate of the ſaid John Tabor Kempe is forfeited to, and veſted in the people of this ſtate, and it is repreſented to the legiſlature, that the proceeds thereof, more than ſufficient to pay the ſaid debt, are now in the treaſury, and that the ſaid John M'Keſſon could not, in due time, avail himſelf of the proviſion made by law for the payment of the ſaid debt, on account of the ſaid bond having been then miſlaid: Therefore,

Treasurer to pay the amount to John M'Keſſon on demand.

III. *Be it further enacted*, That the treaſurer of this ſtate is hereby authorized and required to pay to the ſaid John M'Keſſon, on demand, the principal and intereſt due on the ſame bill obligatory, taking a receipt for the ſame, on the ſame bill obligatory. *Provided*, There ſhall be ſo much money then in the treaſury, ariſing from the eſtate of the ſaid John Tabor Kempe; and if there ſhall not be ſo much, then the treaſurer ſhall pay the amount then remaining in the treaſury, and no more.

And whereas Henry Clapp, of Rumbout precinct, in the county of Dutcheſs, was indebted unto Ann Chambers, of the city of New-York, deceaſed, in the ſum of two hundred and forty pounds, eleven ſhillings, and five-pence. *And whereas*, on a diviſion of the eſtate of the ſaid Ann Chambers, among her legatees, the bond which had been taken to ſecure the ſaid debt, fell to the ſhare of Elizabeth Clarkſon, now deceaſed. *And whereas* William Axtell, late of the city of New-York, after the deceaſe of the ſaid Elizabeth Clarkſon, and as one of her executors, on the ninth day of January, one thouſand ſeven hundred and ſeventy-ſix, renewed the ſame bond in his own name, and alſo then took a mortgage from the ſaid Henry Clapp for certain lands in Dutcheſs county, as a ſecurity for ſaid debt, but for the uſe and benefit of the children of the ſaid Elizabeth Clarkſon, deceaſed, who were then minors. *And whereas* the ſaid Henry Clapp did, on the thirtieth day of April, one thouſand ſeven hundred and eighty-ſeven, pay into the treaſury of this ſtate the ſum of three hundred and ſix pounds, one ſhilling, and two-pence, in public ſecurities, being the amount of the principal and intereſt then due on the ſaid laſt mentioned bond, as forfeited to the people of this ſtate by the attainder of the ſaid William Axtell: Therefore,

Treaſurer directed to pay the amount to the children of Elizabeth Clarkſon, deceaſed.

IV. *Be it further enacted*, That the treaſurer of this ſtate pay to David M. Clarkſon and Matthew M. Clarkſon, the only children of the ſaid Elizabeth Clarkſon, deceaſed, out of any monies unappropriated in the treaſury of this ſtate, the ſaid ſum of three hundred and ſix pounds, one ſhilling, and two-pence, with intereſt from the ſaid thirtieth day of April, one thouſand ſeven hundred and eighty-ſeven, at and after the rate of five per centum per annum, until the ſame ſhall be ſo paid, and that ſuch payment ſhall be in full diſcharge and ſatisfaction of the ſaid bond and mortgage.

And whereas Margaret Crooke, widow and relict of John Crooke, deceaſed, hath, by her petition, ſet forth, that her ſaid huſband died ſeized of certain real property in this ſtate, leaving Margaret his daughter and only child, who was afterwards married to Charles Inglis, late of the city of New-York, clerk. *And whereas*, previous to the ſaid intermarriage, it was agreed by and between the ſaid Margaret, the daughter of the ſaid John Crooke, and his ſaid widow, that ſhe ſhould receive from her ſaid daughter the ſum of one thouſand five hundred pounds, in lieu and full ſatisfaction of her right of dower in and to the eſtate of her ſaid huſband. *And whereas*, after the intermarriage aforeſaid, the ſaid Charles Inglis, and Margaret his wife, ſold and conveyed to Henry Livingſton, of the county of Dutcheſs, a certain tract of land, being part of the eſtate of the ſaid Charles Crooke, deceaſed, and took a bond in his own name from the ſaid Henry Livingſton, bearing date the twenty-eighth day of October, one thouſand ſeven hundred and ſeventy-four, conditioned for the payment of one hundred pounds, in part payment thereof. *And whereas* it appears, that in the year one thouſand

ſeven hundred and ſeventy-five, the ſaid Margaret Crooke did receive from the ſaid Charles Inglis, the ſaid bond in part ſatisfaction and payment of the aforeſaid ſum of money ſo agreed to be received in ſatisfaction of her dower as aforeſaid. *And whereas* the eſtate of the ſaid Charles Inglis and Margaret his wife, hath been forfeited to, and veſted in the people of this ſtate. *And whereas* the ſaid Henry Livingſton, on the ſaid twenty-ſeventh day of June, one thouſand ſeven hundred and eighty-five, paid into the treaſury of this ſtate, in public ſecurities, the ſum of one hundred and ſix pounds, being the amount of the bond aforeſaid, and in diſcharge thereof. *And whereas* the ſaid Margaret Crooke, in purſuance of the act, entitled, "An act for the ſpeedy ſale of the confiſcated and forfeited eſtates within this ſtate, and for other purpoſes therein mentioned, exhibited her demands againſt the forfeited eſtate of the ſaid Charles Inglis, by reaſon of the premiſes, and had a balance duly certified in her favour. *And whereas*, the account rendered by the ſaid Margaret Crooke, on that occaſion, gave the forfeited eſtate of the ſaid Charles Inglis, credit for the amount of the bond, ſo executed as aforeſaid by the ſaid Henry Livingſton, being ignorant that the ſame was diſcharged by the payment into the treaſury, as aforeſaid: Therefore,

Treaſurer directed to pay ſaid amount to Margaret Crooke.

V. *Be it enacted by the authority aforeſaid*, That the treaſurer of this ſtate, pay, and he is hereby required to pay unto the ſaid Margaret Crooke, or her lawful repreſentative, the ſaid ſum of one hundred and ſix pounds, together with the intereſt thereof, from the ſaid twenty-ſeventh day of June one thouſand ſeven hundred and eighty-five, until the time he ſhall ſo pay the ſame, at and after the rate of five per centum per annum, and that ſuch payment ſhall be in full diſcharge and ſatisfaction of the ſaid bond.

CHAP. XXVII.

An ACT *to provide Field-artillery, Arms, Accoutrements, and Ammunition, for the Uſe of the Militia of this State.*

Paſſed 22d March, 1794.

The ſum of ſeventy-five thouſand dollars to be appropriated to the purchaſe of artillery, arms &c.

I. BE *it enacted, by the People of the State of New-York, repreſented in Senate and Aſſembly*, That a ſum not exceeding ſeventy-five thouſand dollars, be appropriated to the purchaſe of field-artillery, arms, accoutrements, and ammunition, for the uſe of the militia of this State, and that Matthew Clarkſon, James Watſon, and Benjamin Walker, be commiſſioners for that purpoſe; and that they, or any two of them, are hereby authoriſed to purchaſe ſuch field-artillery, arms, accoutrements, and ammunition, agreeably to ſuch inſtructions as they may receive from the perſon adminiſtering the government of this State.

Said artillery and arms to be depoſited in ſuch place as the governor ſhall direct.

II. *And be it further enacted*, That the field-artillery, arms, accoutrements, and ammunition, ſo to be purchaſed, ſhall be depoſited in ſuch place or places, as the perſon adminiſtering the government of this State ſhall from time to time direct, there to remain ſubject to his order.

Commissioners authorised to erect buildings for places of deposit for said artillery, arms, &c.

III. *And be it further enacted*, That the said commissioners, or any two of them, shall be, and they are hereby impowered to procure or erect such building or buildings, as may be necessary for places of deposit for such field-artillery, arms, accoutrements, and ammunition, as may be purchased by virtue of this act, agreeably to such directions as they shall from time to time receive from the person administering the government of this state.

IV. *And be it further enacted*, That it shall be the duty of the treasurer of this state, to pay to the said commissioners, or any two of them, on the warrant of the person administering the government of this state, such sum or sums of money, as they, or any two of them, may apply for, not exceeding in the whole the aforesaid sum of seventy-five thousand dollars.

V. *And be it further enacted*, That the legislature will hereafter make provision for compensating the said commissioners for their services; and that the person administering the government of this state, shall appoint suitable persons to take charge of the said field-artillery, arms, accoutrements, and ammunition, and that the legislature will hereafter provide for paying such persons a reasonable compensation for their services.

CHAP. XXVIII.

An ACT *for granting an additional Term of the Courts of Common Pleas, for the Counties of Otsego and Herkemer.*

Passed 22d March, 1794.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That there shall be an additional term of the courts of common pleas held in and for the county of Otsego, on the third Tuesday of October in every year, at the place where the said courts of common pleas is now held in and for said county of Otsego, and may continue and be held until the next Saturday following, inclusive.

II. *And be it further enacted*, That there shall be an additional term of the courts of common pleas held in and for the county of Herkemer, on the the first Tuesday in October in every year, to be held alternately, in succession with the other courts of common pleas, at the court-house in Herkemer county, and at the place in White's-town where the courts of common pleas and general sessions of the peace adjourned to in said town, pursuant to a law in that case made and provided, and may continue and be held until the Saturday next, inclusive.

CHAP. XXIX.

An ACT *for Laying Out and Improving a Road from Old Fort Schuyler to the Genesee River.*

Passed 22d March, 1794.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Israel Chapin, Michael Myer, and

Commiſſioners to lay out a road from Old Fort Schuyler to the Cayuga Ferry, or to the outlet of the Cayuga Lake, and from thence to the town of Canadaqua, and from thence to Canawagas.

Othniel Taylor, ſhall be, and hereby are appointed commiſſioners, for the purpoſe of laying out and improving a public road or highway, to begin at Old Fort Schuyler, on the Mohawk River, and to run from thence in a line, as nearly ſtraight as the ſituation of the country will admit, to the Cayuga Ferry, in the county of Onondaga, or to the outlet of the Cayuga Lake, at the diſcretion of the ſaid commiſſioners, and from the ſaid outlet of the Cayuga Lake, or from the ſaid Cayuga Ferry, as the ſame may be determined on by the ſaid commiſſioners, in a line as nearly ſtraight as the ſituation of the country will admit, to the town of Canadaqua, and from thence in a line as nearly ſtraight as poſſible, to the ſettlement of Canawagas on the Geneſee River.

II. *And be it further enacted*, That the ſaid road ſhall be laid out ſix rods wide; but it ſhall not be neceſſary for the ſaid commiſſioners to open and improve the ſame above four rods wide in any part thereof: and the whole of the ſaid road when laid out, ſhall be conſidered as a public highway, and ſhall not be altered by the commiſſioners of any town or county through which the ſame ſhall run.

Treaſurer to pay ſaid commiſſioners a ſum not exceeding 600l.

III. *And be it further enacted*, That the treaſurer of this ſtate ſhall pay to the ſaid commiſſioners, or any two of them, a ſum or ſums of money not exceeding in the whole the ſum of ſix hundred pounds, out of the monies in the treaſury, which have ariſen or may ariſe from the ſale of military lots, to be laid out and expended towards the opening and improving that part of the ſaid road paſſing through the military lands.

And to pay a further ſum of 150l.

IV. *And be it further enacted*, That for the purpoſe of laying out, opening and improving the remainder of the ſaid road, the ſaid treaſurer ſhall pay unto the ſaid commiſſioners, or any two of them, out of any monies in the treaſury, not otherwiſe appropriated, at the end of the preſent ſeſſion of the legiſlature, a ſum not exceeding fifteen hundred pounds, which ſaid ſum ſhall be by them laid out and expended in making or improving the remainder of the ſaid road, as aforeſaid. *Provided*, That no larger proportion of the ſaid ſum of fifteen hundred pounds ſhall be appropriated towards the opening and improving of the ſaid road in the county of Ontario, than in the county of Herkemer.

V. *And be it further enacted*, That it ſhall and may be lawful to and for the ſaid commiſſioners, or any two of them, to improve the ſaid road by contract or otherwiſe, as to them may appear the moſt proper.

When ſaid road runs through any improved lands, how the damages are to be paid to the owners.

VI. *And be it further enacted*, That where any part of the ſaid road ſhall be laid out through any incloſed or improved lands, the owner or owners thereof ſhall be paid the value of the ſaid lands ſo laid out into an highway, with ſuch damages as he, ſhe, or they may ſuſtain by reaſon thereof, which value and damages ſhall be ſettled and agreed upon by the ſaid commiſſioners, or any two of them, and the parties intereſted therein; and if they cannot agree, then the value of the lands and damages ſhall be appraiſed by two juſtices of the peace, on the oaths of twelve freeholders not intereſted in paying or receiving any part of ſuch appraiſement, otherwiſe than in paying their proportion of the taxes for the contingent charges of the county, which freeholders ſhall be

ſummoned by any conſtable not otherwiſe intereſted than as aforeſaid, by virtue of a warrant to be iſſued by the ſaid two juſtices of the peace for that purpoſe: and the whole value of the ſaid lands ſo laid out into an highway, and damages, together with the coſts of aſcertaining the value of the ſaid damages, ſhall be levied, collected, and paid, as the other contingent charges of the county in which the ſaid lands ſhall be ſituated, are levied, collected, and paid.

VII. *And be it further enacted*, That each of the ſaid commiſſioners ſhall be entitled to receive for their ſervices the ſum of ſixteen ſhillings for every day they ſhall be reſpectively employed in the ſaid buſineſs, to be paid by the reſpective counties in which they ſhall ſo be employed, which ſums ſhall be raiſed, levied, and paid together, with, and in the ſame manner as the neceſſary and contingent charges of ſuch county are raiſed, levied, and paid; and that the ſaid commiſſioners ſhall account with the auditor of this ſtate, for the monies they ſhall reſpectively receive from the treaſurer of this ſtate, by virtue of this act, on or before the firſt day of January one thouſand ſeven hundred and ninety-ſix.

CHAP. XXX.

An ACT *for Auditing the Accounts of Town Officers.*

Paſſed 22d March, 1794.

BE *it enacted, by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame*, That it ſhall and may be lawful for the ſuperviſors of the ſeveral counties within this ſtate, to audit the accounts of the town officers of their reſpective towns, which accounts ſo to be audited ſhall be collected and paid in like manner as the monies for the contingent charges of the towns reſpectively, are directed by law to be collected and paid.

CHAP. XXXI.

An ACT *for the Relief of Ebenezer Allen.*

Paſſed 24th March, 1794.

WHEREAS the eſtate of Simeon Covell, late of the county of Albany, is become forfeited to and veſted in the people of the ſtate of New York: and whereas it is repreſented to the legiſlature, that the ſaid Simeon Covell at the time his eſtate became forfeited as aforeſaid, was indebted to Ebenezer Allen, and that in order to ſatisfy the ſame, together with the further ſum of nine pounds paid by the ſaid Ebenezer Allen, for the ſaid Simeon Covell, he the ſaid Simeon Covell, delivered to the ſaid Ebenezer Allen, two bonds, and one bill or promiſſory note, made and executed by one Charles Deake, by the name of Charles Dake, to the ſaid Simeon Covell, but the ſaid Ebenezer Allen cannot recover the money due thereon, on account of the forfeiture aforeſaid—Therefore,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame, That all the right, title, and intereſt of the people of this ſtate, of, in, and to the ſaid bonds and bill, or promiſſory note, and the monies due, and to grow due

thereon, shall be, and hereby is granted to the said Ebenezer Allen, his executors and administrators, with power to recover and receive the monies due, and to grow due on the said bonds, bill or note, and each and every of them, and to apply the same to the payment of the said debt so due to him the said Ebenezer Allen, from the said Simeon Covell, and to bring or maintain any suit or suits in his own name, for the recovery thereof, in law or equity, in which suits it shall be sufficient for the said Ebenezer Allen to declare generally, that the said Charles Deake is indebted to him the said Ebenezer Allen, in the sum demanded, without setting forth the special matter, and to give this act in evidence.

CHAP. XXXII.

An ACT *for raising a further Sum of Money for compleating the Court House and Gaol in the County of Rensselaer.*

Passed 25th March, 1794.

Cornelius Lansing and others, were appointed commissioners to build a court-house and gaol in Rensselaer county.

WHEREAS Cornelius Lansing, Jacob C. Schermerhorn, Abraham Ten Eyck, Mahlon Taylor, and Jacob D. Vanderheyden, in and by an act, entitled, "An act for building a court-house and gaol in the county of Rensselaer," passed the eleventh day of January, one thousand seven hundred and ninety-three, were appointed commissioners for the purpose of building and erecting a court-house and gaol in the said county. *And whereas* the said commissioners have by their petition represented to the legislature, that they have erected a court-house, and that there is not money sufficient for building a gaol. *And whereas* the major part of the supervisors of the said county of Rensselaer have presented their petition to the legislature, praying, that a further sum may be raised for building a gaol in the said county: Therefore,

They have built the court-house, but there is not money sufficient to build the gaol, &c.

I. *Be it enacted, by the People of the State of New-York, represented in Senate and Assembly*, That the supervisors of the several towns in the said county of Rensselaer, for the time being, or the major part of them, shall, and they are hereby authorised and required to direct to be raised and levied on the freeholders and inhabitants of the said county, the sum of eight hundred pounds, for the purpose of building a gaol in the said county, with the additional sum of one shilling in the pound, for collecting the same, which said sum shall be raised, levied, and collected, in the same manner as the other necessary and contingent charges of the said county are levied and collected.

Supervisors authorised to raise & levy a further sum of 800l. on the inhabitants of said county for said purpose.

II. *And be it further enacted*, That the supervisors of the county aforesaid, shall, at their meeting, on the last Tuesday in May next, quota the said sum of eight hundred pounds, together with the said sum of one shilling in the pound, for collecting the same among the several towns in said county.

III. *And be it further enacted*, That five hundred pounds of the said sum of eight hundred pounds, shall be collected and paid into the treasury of the said county, on or before the first day of October next, and the remaining three hundred pounds shall be collected and paid into the said treasury, on

or before the first day of October, in the year one thousand seven hundred and ninety-five.

IV. *And be it further enacted*, That it shall and may be lawful to and for the treasurer of the said county, to retain in his hands the sum of three-pence in the pound for his trouble in receiving and paying out the money to be raised and paid by virtue of this act.

V. *And be it further enacted*, That the said Cornelius Lansing, Jacob C. Schermerhorn, Abraham Ten Eyck, Mahlon Taylor, and Jacob D. Vanderheyden, together with John Van Rensselaer, James Dole, Ephraim Morgan, and Benjamin Gorton, shall be the commissioners to superintend the building of the said gaol, and that the said commissioners or the major part of them shall, and may contract with workmen, and purchase materials for the erecting the same, and shall from time to time draw upon the treasurer of the said county for the money for the purpose aforesaid, that shall come into the treasury by virtue of this act, and it is hereby made the duty of the said commissioners, to account with the supervisors of the said county, for the money which they shall have so received, when they shall be thereunto required.

And when said commissioners shall certify to the sheriff that the said gaol is completed, he shall remove his prisoners, from the gaol of Albany to the said gaol.

VI. *And be it further enacted*, That whenever the said commissioners or a majority of them shall certify under their hands to the sheriff of the said county, that the said gaol is erected and completed so as to be sufficient for the reception of prisoners, that it shall and may be lawful for the said sheriff to remove all prisoners whether confined by process directed to the sheriff of Rensselaer, or by any court of justice in the same county, from the gaol of the city and county of Albany, to the said gaol so erected in the town of Troy in the said county of Rensselaer, and there keep them and each of them in safe custody, until they are respectively discharged by due course of law.

VII. *And be it further enacted*, That the sheriff of the county of Rensselaer shall not be liable to any action or actions of escape, or other action at law, for removal of the said prisoners, or either of them, and if any bill, plaint, suit or information, shall be commenced or prosecuted against the said sheriff, for removing the said prisoners, or either of them, in pursuance of this act, it shall be lawful for such sheriff to plead the general issue, and give this act and the special matter in evidence; and if the plaintiff or prosecutor, in any such action, bill, plaint, suit, or information, shall become nonsuit or discontinue to, or cease to prosecute the same, or if a verdict or judgment be given against him or her, the defendant shall recover double costs, for which he shall have like remedy as in other cases, where costs are given by law to the defendant.

VIII. *And be it further enacted*, That in case any prisoner or prisoners shall escape from the custody of the sheriff of the said county of Rensselaer, during the time of his or her removal, and the sheriff shall not retake such prisoner or prisoners, and confine him, her, or them, in the gaol to which he, she, or they ought to have been removed by virtue of this act, within sixty days next, after such escape made, the said sheriff shall be liable to all actions for such escape or escapes.

IX. *And be it further enacted*, That the gaol of the city and county of Albany, shall not after the removal of the prisoners as aforesaid, be deemed the gaol of the county of Rensselaer,

CHAP. XXXIII.

An ACT *for the Relief of John Vanderbilt.*

Paſſed 25th March, 1794.

WHEREAS John Vanderbilt hath, by his petition, preſented to the legiſlature, ſtated, that he has a claim on bond againſt Beverly Robiſon, whoſe eſtate was forfeited to the people of this ſtate, and prays a ſettlement thereof: Therefore,

Be it enacted, by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame, That it ſhall and may be lawful for the treaſurer of this ſtate, to pay unto John Vanderbilt, ſuch ſum as may be certified by the chancellor or one of the judges of the ſupreme court of this ſtate, to be due to the ſaid John Vanderbilt, on the claim ariſing on the ſaid bond, to be produced to the ſaid chancellor or judge, out of any monies in the treaſury, not otherwiſe appropriated. *Provided,* the monies ſo certified to be due againſt the ſaid Beverly Robiſon, do not exceed the ſum in the treaſury, ariſing from the ſale of the eſtate of the ſaid Beverly Robiſon, any law to the contrary notwithſtanding. *And Provided alſo,* That the debt on which ſuch claim was accrued before the ninth day of July, one thouſand ſeven hundred and ſeventy-ſix. *And provided further,* That the ſaid John Vanderbilt ſhall deliver to the treaſurer the ſaid bond, with a ſufficient diſcharge endorſed thereon, and ſhall, on receiving the monies aforeſaid, give ſecurity to the people of the ſtate, and deliver the ſame to the ſaid treaſurer, to refund the ſaid money, or ſuch part thereof as may be neceſſary to diſcharge any incumbrance which may hereafter appear on the ſaid eſtate, by claim or dower, or otherwiſe.

CHAP. XXXIV.

An ACT *relative to the new Loan-Officers of the County of Tioga.*

Paſſed 25th March, 1794.

WHEREAS by an act paſſed during the laſt ſeſſion of the legiſlature, it is enacted, that the courts of common pleas and General ſeſſions of the peace, in and for the county of Tioga, ſhall be held alternately in the town of Union, and in the town of Newtown.

And whereas, doubts have ariſen whether the new loan officers of the ſaid county are authoriſed to hold their offices alternately at the places where the ſaid courts are now held: Therefore,

Be it enacted, by the People of the State of New-York, repreſented in Senate and Aſſembly, That it ſhall and may be lawful to and for the new loan officers of the county of Tioga, and they are hereby required to hold the new loan office for the county of Tioga in the ſaid towns of Union and Newtown alternately, at or near the places of holding the ſaid courts; and that the next meeting of the ſaid new loan officers ſhall be held in the town of Union as aforeſaid.

CHAP. XXXV.

An ACT *further to amend the Act, entitled, "An Act for the Partition of Lands."*

Passed 25th March, 1794.

WHEREAS, by the fifteenth section of the act, entitled, "An act for the partition of lands," it is, amongst other things, enacted, "That where any lands, tenements, or hereditaments shall be held in common, it shall and may be lawful for the court of common pleas, in the county where such lands shall be, upon the application of one or more of the owners or proprietors of such lands, tenements, and hereditaments, for partition thereof, it being proved to the satisfaction of the court, that the value of the said lands, tenements, and hereditaments do not exceed five thousand pounds, to appoint three reputable freeholders of the county, commissioners for that purpose;" and also, "That where any houses and lots are so circumstanced, that a division thereof cannot be made without great prejudice to the owners or proprietors of the same, and the commissioners appointed to make partition of the same shall so report to the court, if it shall then appear to the court, that such houses and lots do not exceed in value the sum of three thousand pounds, the court shall thereupon give orders to the said commissioners to sell such house and lot, or houses and lots of land, at public vendue, and shall make and execute good and sufficient conveyances to the purchaser or purchasers thereof, which shall operate as an effectual bar, both in law and equity, against such owners, proprietors, and all persons claiming under them, and the monies arising therefrom to pay to the owners or proprietors of such houses and lots of land, their guardians or legal representatives, as shall be directed in the said order, retaining in their hands for their services and expences such sum as shall be allowed by the court." *And whereas* inconveniences have been experienced in the city of New-York, and may be experienced in the city of Albany, by reason that the partition intended by the said section is limited to lands, tenements, and hereditaments not exceeding five thousand pounds in value, and also by reason that the sale intended by the said section is limited to houses and lots not exceeding three thousand pounds in value: For remedy whereof,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the partition intended by the said fifteenth section of the said act, entitled, "An act for the partition of lands," shall hereafter be deemed and construed to extend and apply to lands, tenements, and hereditaments in the city of New-York, and in the city of Albany, exceeding five thousand pounds in value, and that the sale intended by the same section of the same act, shall hereafter be deemed and construed to extend and apply to houses and lots in the city of New-York, and in the city of Albany, exceeding three thousand pounds in value; any thing in the said section, or in the said act, to the contrary thereof in any wise, notwithstanding.

CHAP. XXXVI.

An ACT *to appoint Trustees to take and hold certain Lands therein mentioned, and for other Purposes.*

Passed 25th March, 1794.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same*, That

Hezekiah Ketcham and others declared to be the first trustees of that part of the town of Half Moon, called Waterford, and to continue as trustees until others are chosen.

Hezekiah Ketcham, Jacobus Van Schoonhoven, Matthew Gregory, Isaac Keeler, John Pettit, Duncan Oliphant, and Thomas Smith, shall be, and they are hereby declared to be the first trustees for the freeholders and inhabitants of that part of the town of Half Moon, commonly called Waterford, and residing within the limits following, to wit—Beginning at a point of land commonly called Half-Moon point, which is formed by the junction of the northernmost branch of the Mohawk river with Hudson's river, and runs thence up and along the waters of Hudson's river, to the north-east corner of the lands lately belonging to Hendrick Vanderwerken, deceased, thence westerly along the north bounds of the land aforesaid, to lands belonging to Barent Ten Eyck and others, thence along the same to the south side of Ballstown-street, thence with the same line continued to the northernmost branch of the Mohawk River aforesaid, thence down the waters of the said river, to the place of beginning, and shall continue to be trustees as aforesaid, until the second Tuesday in May next, and until others shall be chosen in their place. And that it shall and may be lawful to and for the freeholders and inhabitants for the time being, residing in Waterford aforesaid, and qualified by law to vote at town meetings, to assemble on the second Tuesday of May next, and annually on the second Tuesday of May in every year thereafter, at such place, and at such time of the day, as the trustees for the time being, or the major part of them, shall, by public advertisement, appoint, and under the direction of the said trustees, or such of them as shall be present, who are hereby made inspectors of such election, then and there, by a majority of voices, to elect seven discreet inhabitants, being freeholders, to be trustees as aforesaid, who shall continue in office until the second Tuesday in the month of May, in the next ensuing year, and until others shall be chosen in their place.

Freeholders of Waterford & others qualified by law to vote at town-meetings, to assemble annually on the second Tuesday in May, to elect seven trustees.

II. *And be it further enacted, by the authority aforesaid,* That the said trustees hereby appointed, and their successors, are hereby enabled to take a grant or grants, feoffment or feoffments, of any lands and tenements, lying and being within the limits of Waterford aforesaid, as herein described, and to hold the same to them and their successors for ever, in trust, to and for the common use and benefit of the freeholders and inhabitants aforesaid.

Said trustees may take a grant of lands within the limits of Waterford aforesaid, for the common use of the inhabitants.

III. *And be it further enacted, by the authority aforesaid,* That the said freeholders and inhabitants at their annual meetings to be held as aforesaid, and at such other time in the year as the said trustees or a majority of them may think necessary to advertise for the purpose, shall be, and they are hereby authorised and empowered, from time to time, to make, ordain, constitute, and establish such prudential rules, orders, and regulations, as a majority of such freeholders and inhabitants so assembled, and having a right to vote, shall judge necessary and convenient, for the better improving of their common lands, and for ascertaining and directing the use and management thereof, and also to ordain and establish such prudential rules and orders relative to the cleansing and keeping in order and repair the common streets and highways in Waterford aforesaid, and removing nuisances therefrom; and also to make and ordain rules and regula-

And said inhabitants at their annual meetings may make and establish rules for the better improving their common lands, &c.

tions proper to compel the houſekeepers in Waterford aforeſaid, to furniſh themſelves with a ſufficient number of fire buckets, and with neceſſary tools and implements for extinguiſhing of fires, and to impoſe ſuch penalties on the offenders, againſt ſuch rules, orders, and regulations, or any or either of them, as the majority of ſuch freeholders and inhabitants ſo aſſembled, ſhall, from time to time, deem proper, not exceeding forty ſhillings for any one offence, to be recovered by the ſaid truſtees for the time being, in their own names, with coſts of ſuit, for the uſe of the ſaid freeholders and inhabitants, by action of debt before any juſtice of the peace reſiding in the ſaid county of Saratoga.

Truſtees may, from time to time, appoint a perſon to be a common clerk, to record all their rules and regulations.

IV. *And be it further enacted, by the authority aforeſaid,* That the ſaid truſtees hereby appointed, and their ſucceſſors, ſhall and may, from time to time, conſtitute and appoint one fit perſon to be a common clerk for the ſaid freeholders and inhabitants, whoſe duty it ſhall be to record all rules, orders, and regulations made by the ſaid freeholders and inhabitants, at their meetings as aforeſaid, in a proper book to be by him provided for ſuch purpoſes, and alſo to do and perform all ſuch matters and things as the ſaid truſtees, or a majority of them, ſhall lawfully, from time to time, by writing under their hands direct and appoint.

Truſtees required to appoint not more than fifteen perſons to manage their engine or engines, &c.

V. *And be it further enacted, by the authority aforeſaid,* That it ſhall and may be lawful to and for the ſaid truſtees, or the major part of them, and they are hereby required, with all convenient ſpeed, to elect, nominate, and appoint, a ſufficient number of men willing to accept, not exceeding fifteen in number, out of the inhabitants reſiding in Waterford aforeſaid, to have the care, management, working, and uſe of the fire-engine or engines belonging, or which may belong to the ſaid freeholders and inhabitants, and alſo the tools and inſtruments for extinguiſhing fires; and the ſaid truſtees, or the major part of them, are hereby authoriſed and empowered to remove, or diſplace all or any of the firemen ſo as aforeſaid to be elected, nominated, and appointed, when and as often as they ſhall think fit, and others in their ſtead to elect, nominate, and appoint, and alſo to make, eſtabliſh, and ordain ſuch rules, orders, and regulations for the government, conduct, duty, and behaviour of ſuch firemen as to them ſhall appear neceſſary and proper.

Jacob de Vanderheyden and others, declared to be the firſt truſtees of a certain part of the town of Troy herein deſcribed.

VI. *And be it further enacted, by the authority aforeſaid,* That Jacob de Vanderheyden, Benjamin Covill, Anthony Goodſpeed, John Peaſe, Ephraim Morgan, Chriſtopher Hutton, and Samuel Gale, ſhall be, and they are hereby declared to be the firſt truſtees for the freeholders and inhabitants of that part of the town of Troy in the county of Renſſelaer, reſiding within the limits following, viz. beginning on the north ſide of a certain creek called Poeſten Creek, where there were formerly a ſaw-mill, fifty-eight chains from Hudſon's river, and runs from thence down along the ſaid creek to the ſaid river, thence up along the ſaid river to a ſmall creek called the Meadow Creek, thence along the ſaid creek into the woods, ſouth ſeventy degrees eaſterly, forty chains, thence ſouth twenty-three degrees and thirty minutes weſterly, along the weſt ſide of the land of the late Albert Bratt, one hundred and ſix chains to the place of beginning. The above courſes to be run as the magnetic needle

And to continue as truſtees until others are choſen.

Freeholders and inhabitants of the village of Troy to aſſemble annually on the ſecond Tueſday in May, to elect ſeven truſtees.

pointed in the year one thouſand ſeven hundred and twenty. And ſhall continue to be truſtees as aforeſaid, until the firſt Tueſday in May next, and until others ſhall be choſen in their place; and it ſhall and may be lawful to and for the freeholders and inhabitants for the time being, reſiding within the village of Troy, within the boundaries aforeſaid, and qualified by law to vote at town meetings, to aſſemble on the ſecond Tueſday of May next, and annually, on the ſecond Tueſday of May thereafter, at ſuch place, and at ſuch time of the day as the truſtees for the time being, or the major part of them, ſhall by public advertiſement appoint, and under the direction of the ſaid truſtees, or ſuch of them as ſhall be preſent, who are hereby made inſpectors of ſuch election, then and there, by a majority of voices, to elect ſeven inhabitants, being freeholders, to be truſtees as aforeſaid, who ſhall continue in office until the ſecond Tueſday of May in the next enſuing year, and until others ſhall be choſen in their place.

VII. *And be it further enacted, by the authority aforeſaid*, That the inhabitants reſiding within the ſaid laſt mentioned boundaries, and the ſaid truſtees laſt abovementioned, and their ſucceſſors ſhall, and they are hereby fully veſted with all and ſingular the powers and authorities, to all intents, conſtructions, and purpoſes, with reſpect to the village of Troy, as is, or are intended to be given by this act to the inhabitants and truſtees of Waterford.

CHAP. XXXVII.

An ACT *to repeal part of the Act, entitled, "An Act to encourage the Raiſing of Sheep, and to prevent Injury by Dogs, paſſed the 18th February, 1789."*

Paſſed 25th March, 1794.

BE *it enacted, by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the firſt ſecond, third, fourth, fifth, ſixth, and ſeventh ſections of the act, entitled, "An act to encourage the raiſing of ſheep, and to prevent injury by dogs, be, and the ſame are hereby repealed.

Provided nevertheleſs, That all monies due and collected by virtue of the abovementioned act ſhall be diſpoſed of in manner and form as therein directed.

CHAP. XXXVIII.

An ACT *for building a Court Houſe and Gaol in the County of Saratoga.*

Paſſed 26th March, 1794.

I. BE *it enacted, by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the ſupervisors of the ſeveral towns in the county of Saratoga for the time being, or the major part of them ſhall be, and they are hereby authoriſed and required to direct to be raiſed and levied on the freeholders and inhabitants of the ſaid county the ſum of fifteen hundred pounds, for the purpoſe of building a court houſe and gaol in the ſaid county, with the additional ſum of nine-

Supervisors of the county of Saratoga to direct 1500l. to be raiſed and levied on the inhabitants for building a court houſe and gaol in ſaid county.

pence in the pound for collecting the ſame, which ſum ſhall be raiſed, levied, and collected, in the ſame manner as the other neceſſary and contingent charges of the ſaid county are levied and collected.

And to quota the ſame at their meeting on the laſt Tueſday in May next.

II. *And be it further enacted*, That the ſupervifors of the county aforeſaid, ſhall at their meeting, on the laſt Tueſday of May next, quota the ſaid ſum of fifteen hundred pounds, together with the ſaid ſum of nine-pence in the pound, for collecting the ſame among the ſeveral towns in the ſaid county.

Said ſum when to be paid into the county treaſury.

III. *And be it further enacted*, That the ſaid ſum of fifteen hundred pounds ſhall be paid into the treaſury of the ſaid county, on or before the firſt day of February next.

IV. *And be it further enacted*, That it ſhall and may be lawful for the treaſurer to retain in his hands, the ſum of three-pence in the pound, for his trouble in receiving and paying out the money to be raiſed by virtue of this act.

Said court houſe and gaol to be built in Ballſtown.

V. *And be it further enacted*, That the court houſe and gaol ſo to be built, ſhall be erected and built in the town of Ballſtown in the ſaid county.

VI. *And be it further enacted*, That the ſaid court houſe and gaol ſo to be built, ſhall be erected and built within thirty rods of the dwelling houſe of Levi Benedict, in the ſaid town of Ballſtown, in the ſaid county.

John Bradſtreet Schuyler & others, appointed commiſſioners to ſuperintend the building of ſaid court houſe and gaol.

VII. *And be it further enacted*, That John Bradſtreet Schuyler, Richard Davis, jun. John Ball, John M'Clelland, and James Emmot, ſhall be commiſſioners to ſuperintend the building the ſaid court houſe and gaol, and that the ſaid commiſſioners, or a major part of them, ſhall and may contract with workmen, and purchaſe materials for erecting the ſame, and ſhall from time to time draw upon the treaſurer of the ſaid county for the purpoſes aforeſaid, for the money that ſhall be paid into the treaſury by virtue of this act; and the ſaid treaſurer is hereby required to pay to the order of the ſaid commiſſioners, or the major part of them, the ſeveral ſums of money to be by them drawn for, for the aforeſaid purpoſe; and it is hereby made the duty of the ſaid commiſſioners, to account with the ſupervifors of the ſaid county, for the money which they ſhall have received by virtue of this act, when they ſhall be thereunto required.

VIII. *And be it further enacted*, That the ſaid commiſſioners, or a major part of them, are hereby authoriſed and required to determine and fix upon the moſt ſuitable ſpot or place for erecting and building the ſaid court houſe and gaol within thirty rods of the dwelling houſe of the aforeſaid Levi Benedict.

And to procure a good title for a quantity of land not exceeding one acre, in the name of the ſupervifors of the county.

IX. *And be it further enacted*, That the ſaid commiſſioners, or a majority of them, are hereby authoriſed and required, to procure a good and ſufficient title of conveyance for a quantity of land within the limits abovementioned, not exceeding one acre of land, which deed ſhall be taken in the name of the ſupervifors of the ſaid county, and their ſucceſſors in office for ever, in truſt for the ſole uſe and benefit of the inhabitants of the ſaid county, which deed or conveyance ſhall be lodged in the office of the clerk of the ſaid county.

CHAP. XXXIX.

An ACT *for the Relief of John Swaney.*

Paſſed 26th March, 1794.

WHEREAS John Swaney, a tranſient perſon, whilſt employed on the canal and locks conſtructing in this ſtate, received ſuch injury as has deprived him of the uſe of one of his hands, and rendered him nearly blind. *And whereas*, he hath not gained any lawful reſidence in any city or town within this ſtate, and cannot therefore be ſupported as other paupers are by law directed to be ſupported; and as he is evidently incapable of procuring ſubſiſtence by manual labour, it is proper that legiſlative proviſion ſhould be made in the premiſes: Therefore,

I. *Be it enacted, by the People of the State of New-York, repreſented in Senate and Aſſembly; and it is hereby enacted by the authority of the ſame*, That the overſeers of the poor of the city of Albany for the time being, be, and they are hereby required, annually to procure lodging, cloathing, and ſubſiſtence for the ſaid John Swaney, in like manner as lodging, cloathing, and ſubſiſtence ſhall from time to time be provided by them for the paupers of the ſaid city; and ſhall annually deliver an account of the expence which has been incurred, atteſted to by one or more of them, the ſaid overſeers, to the ſupervisors of the ſaid city, who ſhall certify the ſame to the treaſurer of this ſtate, who ſhall thereupon pay unto the treaſurer of the city and county of Albany, for the time being, or to his order, the amount of ſuch account to be by him paid to the overſeers of the poor aforeſaid, and for the purpoſes aforeſaid. *Provided always*, That the treaſurer of this ſtate ſhall not in any year pay a greater ſum than fifty dollars. *And provided alſo*, That every ſuch certificate ſhall be accompanied with an affidavit from one or more of the ſaid overſeers, that the inability of the ſaid John Swaney has continued during the term in the ſaid account ſpecified.

II. *And be it further enacted, by the authority aforeſaid*, That it ſhall be lawful for the treaſurer of this ſtate, immediately after the paſſing of this act, to pay unto the treaſurer of the city and county of Albany, or his order, the ſum of twenty-five dollars, in part payment of the annual allowance aforeſaid.

CHAP. XL.

An ACT *for the Relief of Caleb Newman and Daniel Owen.*

Paſſed 26th March, 1794.

WHEREAS Caleb Newman, late of Salem, in the county of Weſtcheſter, was entitled to receive from the treaſurer of this ſtate, for military ſervices during the late war, the ſum of thirty-four pounds, nine ſhillings and eight-pence. *And whereas*, the treaſurer has paid the ſaid ſum of money to a certain Peter Smith, who produced to him a power of attorney, acknowledged in ſuch manner as the law directs, by a perſon who perſonated the ſaid Caleb Newman: Therefore,

I. *Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the treaſurer of this ſtate ſhall, and he is hereby directed to pay to the ſaid Caleb Newman, the ſaid ſum of thirty-four pounds, nine ſhillings and eight-pence, out of any money in the treaſury not otherwiſe appropriated.

And whereas, a certificate for forty-eight pounds, being for the pay of Daniel Owen, who was a ſerjeant in the firſt regiment of foot, of this ſtate in the late war, has been obtained from the treaſury of this ſtate, by one James Reynolds, in virtue of a power of attorney, executed in the county of Dutcheſs, by ſome perſon who perſonated the ſaid Daniel Owen: Therefore,

II. *Be it further enacted*, That the treaſurer of this ſtate ſhall be, and hereby is required, to pay to the ſaid Daniel Owen, the ſaid ſum of forty-eight pounds, with intereſt for the ſame, at the rate of ſix per cent. from the date of the ſaid certificate, out of any money in the treaſury not otherwiſe appropriated.

CHAP. XLI.

An ACT *authoriſing the Erecting of Fortifications, within this State.*

Paſſed 26th March, 1794.

WHEREAS the monies that may be appropriated by the Congreſs of the United States, for the purpoſe of repairing or erecting fortifications at or near the city and port of New-York, may not be ſufficient, to put the ſaid city and port in a proper ſtate of defence, and in confidence that if fortifications ſhall be erected in any other ſtate or ſtates at the expence of the United States, that payment will be made to this ſtate proportionate to its exertions in that behalf: Therefore,

The money appropriated by Congreſs to fortify the port of New York may not be ſufficient.

I. *Be it enacted, by the People of the State of New-York, repreſented in Senate and Aſſembly*, That a ſum or ſums of money not exceeding in the whole the ſum of thirty thouſand pounds, ſhall be appropriated out of any monies which now are, or may come into the treaſury for the purpoſe of repairing and erecting fortifications at or near the city and port of New-York, and the treaſurer is hereby required to pay the ſaid ſum or ſums of money upon warrant of the perſon adminiſtering the government of this State.

The ſum of thirty thouſand pounds appropriated for ſuch purpoſe, and the treaſurer to pay the ſame on the governor's warrant.

II. *And be it further enacted*, That George Clinton, Matthew Clarkſon, James Watſon, Richard Varick, Nicholas Fiſh, Ebenezer Stevens, and Abijah Hammond, ſhall be commiſſioners, with full power to repair and erect ſuch fortifications in the ſaid city, or its vicinity as they or a majority of them, ſhall deem requiſite and eſſential for the ſecurity of the ſaid city and its port, and for that purpoſe they are hereby authoriſed to purchaſe and collect all ſuch materials as they ſhall deem neceſſary for repairing and erecting the ſame, and to the intent that they may be enabled to defray the expence of artificers, labourers, and others employed in the ſaid buſineſs, and to make payment for purchaſes to be by them made, the perſon adminiſtering the government of this ſtate for the time being, ſhall upon application made to him in writing by the ſaid commiſſioners or a majority of them, grant his warrant requiring the treaſurer of this ſtate to pay the ſum or ſums of money mentioned in ſuch warrant, *Provided*, that the whole amount of the monies ſo from time to time to be drawn from the treaſury, ſhall not exceed the aforeſaid ſum of thirty thouſand pounds.

Certain perſons appointed commiſſioners to erect ſuch fortifications.

Commissioners directed to apply to the President of the United States for such cannon and ammunition as they may think necessary, but if they cannot obtain them on such application, then they are to purchase them.

And the treasurer directed to pay them on the governor's warrant, a sum not exceeding 10,000l.

III. *And be it further enacted*, That the said commissioners, or a majority of them shall be, and hereby are directed to apply to the President of the United States, for such cannon and ammunition as in their opinion shall be necessary for the defence of the port and harbour of New-York, and in case the same shall not be obtained, then the said commissioners are hereby authorised and empowered, to purchase or procure the same in such manner as they may think proper; and the treasurer of this state is hereby authorised and directed to pay to the order of the said commissioners upon a warrant to be issued by the person administering the government of this state, such further sums of money as may be necessary for the purpose, not exceeding in the whole the sum of ten thousand pounds.

Commissioners to enter upon all lands covered with water which they may deem necessary for fortifications, and to agree with the owners for the same, and purchase them in the name of the people of the state.

Mode to be pursued if they cannot agree with the owners.

IV. *And be it further enacted*, That it shall be lawful for the said commissioners to enter into and upon all and singular the land or lands covered with water, where they shall deem it proper to erect the said fortifications, and to lay out and survey such lands, and having made such survey or surveys, to contract and agree with the owners of such land or lands for so much of the same, and for any houses or other tenements thereon being, as shall be requisite for such fortifications, and to purchase the same in the name and behalf of the people of this state, but if they cannot agree with the owners thereof respectively, or in case the owner or owners thereof shall be under age, *non compis mentis*, or out of the state, then it shall be lawful for the said commissioners to apply to the chancellor of this state, who, upon such application, is hereby required to issue a writ or writs, in the nature of a writ of *ad quod damnum*, to be directed to the sheriff of the county in which such lands and tenements shall be, commanding him that by the oaths of twelve good and lawful men of his bailwick, he shall enquire whether the person or persons owning any of the lands and tenements so to be applied to such fortifications, or which shall be injured thereby, which person or persons shall be named, and which lands and tenements shall be described, in such writ or writs, will suffer and sustain any and what damages by reason of taking such lands and tenements for the said fortifications or for any of them, or for the works thereunto belonging, and to return the same writ, together with the finding of the said jury, to the court of chancery of this state, without delay, and upon such writ being delivered to such sheriff, he shall give at least fourteen days notice in writing, directed to all and every of the said owners and occupants, and deliver the same to such of them, as shall be within his bailwick, and whom he shall be able to discover, and shall also affix a copy of such notice on the door of the court house within his bailwick, and on the door of any house of public worship, nearest to the premises, mentioning in such notice the lands and tenements in the said writ described, and the time of executing the same, and shall cause to come upon or within the premises at the time appointed, twelve good and lawful men of his bailwick, as aforesaid, and who shall be selected in such manner as struck juries are usually selected, to whom he shall administer an oath, that they will diligently enquire concerning the matters and things in the said writ specified, and a true

erdict give according to the beſt of their ſkill and judgment, without fa-
our or partiality, and thereupon the ſaid ſheriff and inqueſt ſhall proceed
o view all and every the lands and tenements in ſuch writ ſpecified, and
aving conſidered the quantity of land, and land covered with water, with
he buildings and other improvements that ſhall be neceſſary to be veſted in
he people of this ſtate, for the purpoſes aforeſaid, they ſhall cauſe the ſame
o be minutely and exactly deſcribed, by metes and bounds, or other par-
cular deſcriptions, and ſhall value and appraiſe the lands and tenements,
nd the injury or damages which the owner or owners of the ſaid lands,
uildings, and improvements will, according to their beſt ſkill and judgment,
uſtain and ſuffer, by means of ſo much of the ſaid lands, buildings,
nd improvements being veſted in the people of this ſtate, or by means of
uch buildings and improvements being deſtroyed or rendered uſeleſs or of
ſs value, or by any other means whatſoever, defining and aſcertaining, as
ell all ſuch lands, buildings, and improvements ſo to be veſted as aforeſaid,
the ſeveral ſums at which the ſaid injuries and damages ſhall be ſo aſſeſ-
d, and the ſaid ſheriff and jury ſhall make an inquiſition under their
ands and ſeals, diſtinctly and plainly ſetting forth all the matters and things
oreſaid, and the ſheriff ſhall forthwith return the ſame, together with the
id writ to the ſaid court of chancery, and thereupon the chancellor ſhall
xamine the ſame, and if the writ ſhall appear to have been duly executed,
nd the return thereof in his judgment ſufficiently certain to aſcertain the
nds, buildings, and improvements intended to be veſted as aforeſaid, and
e ſeveral compenſations awarded to the owner or owners thereof, then
e ſaid chancellor ſhall enter judgment, that the people of this ſtate (the
id commiſſioners, firſt paying to the ſeveral owner or owners as aforeſaid,
e ſeveral ſums of money in the ſaid inquiſition aſſeſſed, or bringing the
me into the ſaid court, over and beſides the coſts of ſuch writs, and of exe-
uting and returning the ſame) ſhall be entitled to have and to hold all and
ery the lands, buildings, and improvements, together with the rights and
ppurtenances thereunto appertaining, and in the ſaid inquiſition deſcribed,
fully and effectually as if the ſame had been granted by the reſpective
wners thereof; and if any of the returns ſo to be made, ſhall not be ſuf-
iently certain for the purpoſes aforeſaid, the chancellor ſhall ſpecify the
fect or defects, and ſhall direct a new inquiſition to be taken to ſupply
ch defect or defects.

Vacancies happening among commiſſioners, to be ſupplied by council appointment, & majority of the whole requiſite to every act.

V. *And be it further enacted*, That in caſe of the death, or refuſal to act, or removal out of the ſtate of any one or more of the ſaid commiſſioners, the vacancy or vacancies ſhall be ſupplied by the council of appointment, in like manner as civil and military officers are appointed by the ſaid council, and that the majority of the ſaid commiſſioners appointed or to be appointed by virtue of this act, ſhall be requiſite to every act and deed to be by them performed in virtue of this act.

Commiſſioners may build one or more floating batteries.

VI. *And be it further enacted*, That the ſaid commiſſioners, or a major part of them, may appropriate ſuch part of the monies granted for the purpoſes herein mentioned, to the building and equipping of one or more floating batteries, to them ſhall appear moſt conducive to the ſecurity of the port afore-
id.

VII. *And be it further enacted*, That Baron Frederick William de Steuben, Peter Ganſevoort, jun. William North, Stephen Van Renſſelaer, John Taylor, John Vernor, and Daniel Hale, ſhall be commiſſioners for the purpoſe of erecting ſuch fortifications, building and equipping one or more floating batteries, or other veſſels of force, as to them, or a major part of them ſhall appear neceſſary to the ſecurity of the weſtern and northern frontiers of this ſtate; and that a ſum or ſums of money not exceeding twelve thouſand pounds be appropriated to the purpoſes aforeſaid; and that it ſhall and may be lawful for the treaſurer, on the warrant of the perſon adminiſtering the government of this ſtate, to pay to the ſaid commiſſioners, or a major part of them, the ſum or ſums of money not exceeding in the whole the ſum of twelve thouſand pounds.

Commiſſioners appointed to build fortifications for the ſecurity of the weſtern and northern frontiers of this ſtate.

A ſum not exceeding 12,000l. appropriated for ſuch purpoſe.

Provided, however, That no warrant for monies to be appriated as laſt aforeſaid, ſhall iſſue until, in the opinion of the perſon adminiſtering the government of this ſtate, the frontiers aforeſaid ſhall be in danger of invaſion, and that the money ſo to be iſſued, can be expended to advantage for the purpoſes herein contemplated.

Proviſo, no warrant to iſſue for the ſame, until the governor ſhall think the frontiers in danger of invaſion.

CHAP. XLII.

An ACT *for the Relief of Paul Hochſtraſſer and others.*

Paſſed 27th March, 1794.

WHEREAS it hath been repreſented, that Paul Hochſtraſſer, John James Abbet, and John Tillman, having expended large ſums of money in erecting a building for the reformed German congregation in the city of Albany, with ſundry appurtenances, which ſums were never reimburſed by the ſaid congregation through the means of their inability. *And whereas* it has alſo been further repreſented, that the ſaid congregation is diſperſed, and the buildings become uſeleſs:

Be it enacted, by the people of the State of New-York, repreſented in Senate and Aſſembly, That Abraham Hunn, Teunis Ts. Van Vechten, and John C. Cuyler, be, and hereby are appointed truſtees, for the purpoſe of ſelling the aforeſaid building, with the appurtenances, excluſive of the right of ſoil; and out of the monies therefrom ariſing, to ſettle with all ſuch perſons who may have any demands againſt the ſame; and ſhould the monies therefrom ariſing not be competent to ſatisfy the ſaid claims, they ſhall be, and hereby are authoriſed to pay each claimant a juſt proportion of the monies ariſing from the ſale of the ſaid premiſes, according to his, her, or their reſpective demands.

CHAP. XLIII.

An ACT *for granting a certain Glebe to the United Churches of St. Peters and St. Philips.*

Paſſed 27th March, 1794.

WHEREAS the commiſſioners of forfeitures were by law inhibited from ſeling the parſonage and glebe near the Continental Village,

formerly in the poſſeſſion of Ebenezer Jones: *And whereas*, the ſaid glebe was veſted in the people of this ſtate, by the attainder of Beverly Robiſon, late of the county of Dutcheſs, who in his lifetime promiſed to convey the ſame to the uſe of the Rector, Wardens, and Veſtrymen of the United Epiſcopal congregations of St. Peters church, now in the town of Cortlandt, in the county of Weſtcheſter, and St. Philip's chapel, in Philip's Town, in the county of Dutcheſs: Therefore,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame, That all the right, title, and intereſt of the people of this ſtate, of, in, and to the ſaid glebe, ſhall be, and hereby is granted to the truſtees of the United Proteſtant Epiſcopal churches of St. Peter's church, in the town of Cortlandt, in the county of Weſtcheſter, and St. Philip's chapel, in Philip's town, in the county of Dutcheſs, and their ſucceſſors forever, in truſt for the uſe of the ſaid united congregations.

CHAP. XLIV.

An ACT *to amend the Act, entitled, "An Act for regiſtering Deeds and Conveyances, relating to the Military Bounty Lands."*

Paſſed 27th March, 1794.

By a certain act, all deeds relating to military bounty lands, ſhall be delivered to the clerk of Albany county, before the 1ſt day of May, 1794.

WHEREAS, by the act, entitled, "An act for regiſtering deeds and conveyances, relating to the military bounty lands," which became a law on the eighth day of January laſt, it is enacted, That all deeds and conveyances theretofore made and executed, or pretended ſo to be, of, or concerning, or whereby any of the ſaid lands may be any way affected in law or equity, ſhall, on or before the firſt day of May, one thouſand ſeven hundred and ninety-four, be delivered to, and depoſited with the clerk of the city and county of Albany, for the time being; and the ſaid clerk ſhall, on or before the firſt day of June, which will be in the year of our Lord, one thouſand ſeven hundred and ninety-four, deliver all the ſaid deeds and conveyances, ſo depoſited in his office, to the clerk of the county of Herkemer, for the time being, there to remain for the benefit of all perſons intereſted therein. *And whereas* the ſaid lands have been ſince erected into a ſeparate county, by the name of Onondaga. *And whereas* the time limited for depoſiting the ſaid deeds and conveyances is too ſhort: Therefore,

The ſaid clerk ſhall deliver the ſame to the clerk of Herkemer county.

Said military lands erected into a ſeparate county, by the name of Onondaga, and the time limited for depoſiting ſuch deeds is too ſhort.

I. *Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame*, That the time limited in and by the ſaid act for delivering the ſaid deeds and conveyances to the clerk of the city and county of Albany, for the time being, and depoſiting the ſame with him, ſhall be, and hereby is prolonged until the firſt day of May, which will be in the year of our Lord, one thouſand ſeven and ninety-five; and that the clerk of the ſaid city and county of Albany, for the time being, ſhall, on or before the firſt day of June, which will be in the

Said time extended.

Clerk of Albany to deliver them to the clerk of Onondaga.

said year of our Lord, one thousand seven hundred and ninety-five, deliver all the said deeds and conveyances which have been, or shall be so deposited in his office, to the clerk of the county of Onondaga, for the time being, there to remain for the benefit of all persons interested therein; any thing in the said act to the contrary notwithstanding.

Clerk of Herkemer to deliver all deeds he may have received, and records thereof which he may have made, to the clerk of Onondaga.

II. *And be it further enacted by the authority aforesaid*, That the clerk of the county of Herkemer, for the time being, shall, upon demand, deliver to the clerk of the county of Onondaga, for the time being, all the books in which he shall have recorded, since the eighth day of January last, in conformity to the said act, any deed or deeds, conveyance or conveyances, of, or concerning, or whereby any of the said lands may be any way affected in law or equity, together with all deeds and conveyances, of or concerning the same lands then in his possession, taking a receipt for the same; and that thereupon the operation of the said act, as to the said clerk of the said county of Herkemer, shall cease; and that the said clerk of the county of Onondaga, for the time being, shall thereafter duly execute, and perform all and every the duties and services required by the said act to be done, executed, or performed by the clerk of the county of Herkemer, for the time being, and in the same manner and form, and shall be entitled to the like rewards, and subject to the like penalties, as such clerk of the said county of Herkemer is entitled and subject to by the said act, and every thing to be done in the premises by the clerk of the county of Onondaga, for the time being, shall be of the same validity and effect, as if done by the clerk of the county of Herkemer before the passing of this act; any thing herein contained to the contrary notwithstanding.

CHAP. XLV.

An ACT *for the Relief of James Wallace.*

Passed 27th March, 1794.

WHEREAS it appears, that James Wallace, on the eleventh day of November, one thousand seven hundred and eighty-four, paid into the treasury of this state ninety-one pounds and six-pence, in discharge of a certain bond executed by the said James Wallace to Tertullus Dickinson, on the presumption, that the estate of the said Tertullus Dickinson had been confiscated to the people of this state. *And whereas* the estate of the said Tertullus Dickinson was not so confiscated, and the said James Wallace hath since been obliged to satisfy the said Tertullus Dickinson the monies due on the said bond: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the treasurer of this state be, and he is hereby directed to pay to the said James Wallace, his executors and administrators, the said sum of ninety-one pounds and six-pence, together with interest for the same, at the rate of six per centum per annum, from the said eleventh day of November, one thousand seven hundred and eighty-four, until the passing of this act.

CHAP. XLVI.

An ACT *for the Relief of the Heirs and Devisees of Henry Ludlow, deceased.*

Passed 27th March, 1794.

WHEREAS Henry Ludlow, late of the city of New-York, but then residing in the district of Claverack, in the county of Albany, on or about the eighth day of January, in the year of our Lord, one thousand seven hundred and eighty, made his last will and testament, in due form of law, and did thereby will, order, and direct, that all his estate, both real and personal, be sold and disposed of by his executors therein named, within some reasonable time after his decease; and he did thereby impower his said executors, or the survivors of them, to give good and sufficient deeds and conveyances for his real estate, either intire or in parcels, as to them shall seem meet, to the purchaser or purchasers thereof; and did thereby nominate and appoint his sons Gabriel Henry Ludlow, William Henry Ludlow, and his son-in-law Richard Morris, Esq. and Charles Shaw, executors of his said last will and testament. *And whereas* the said Gabriel Henry Ludlow, after the death of the said testator, caused the said will to be duly proved, and took upon himself the execution thereof, but neither of the other executors in the said will named, ever acted as executors, or intermeddled with the execution of the said last will and testament. *And whereas* the said Gabriel Henry Ludlow and Charles Shaw are dead, and the surviving executors named in the said will refuse to take upon themselves the execution thereof. *And whereas* Thomas Ludlow, of the city of New-York, merchant, one of the sons of the said testator, together with said surviving executors, have, by petition to the legislature, prayed, that he, the said Thomas Ludlow, may be fully authorized, by an act of the legislature, to sell and dispose of the real estate of the said Henry Ludlow, deceased, in the manner and for the purposes in the said will mentioned: Therefore,

Henry Ludlow directed all his estate to be sold by his executors, and deeds to be executed by them for the same.

None of the executors have qualified or acted as such, except Gabriel Henry Ludlow, who, together with Charles Shaw, is since dead.

The surviving executors have prayed, that Thomas Ludlow may be authorized to sell said estate.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That in case the surviving executors of the said last will and testament of the said Henry Ludlow, deceased, shall renounce and refuse to take upon themselves the execution of the said last will and testament, and administration of the goods, chattels, and credits which were of the said Henry Ludlow, deceased, not administered by the said Gabriel Henry Ludlow, with a copy of the said will of the said Henry Ludlow, deceased, annexed, be committed to the said Thomas Ludlow; then and from thenceforth it shall and may be lawful for the said Thomas Ludlow to sell and dispose of all the real estate then remaining unsold, whereof the said Henry Ludlow died seized, in the manner and for the purposes mentioned and directed in and by the said will, and to make, seal, and deliver good and sufficient deeds and conveyances for conveying and assuring the same, and all and every or any part thereof, to the purchaser or purchasers thereof, and to his, her, and their heirs and assigns forever; which

Said Thomas Ludlow authorized to sell said estate, if the surviving executors refuse to take upon them execution of this act.

ſale or ſales, deeds and conveyances, ſhall be as good and effectual to all intents and purpoſes, as if the ſame had been made and executed by the executors of the ſaid laſt will and teſtament, according to the directions of the ſaid will: *Provided always*, That the ſaid Thomas Ludlow, before he enters upon the execution of the truſt hereby repoſed in him, ſhall give bond, with ſuch ſecurity, and in ſuch manner, as the chancellor of this ſtate ſhall direct, for the faithful performance of the ſaid truſt.

CHAP. XLVII.

An ACT *ratifying a certain Article propoſed by Congreſs, as an Amendment to the Conſtitution of the United States of America.*

Paſſed 27th March, 1794.

WHEREAS, by the fifth article of the conſtitution of the United States of America, it is provided, that the Congreſs, whenever two thirds of both houſes ſhall deem it neceſſary, ſhall propoſe amendments to the ſaid conſtitution, which ſhall be valid to all intents and purpoſes as part of the ſaid conſtitution, when ratified by the legiſlatures of three fourths of the ſeveral ſtates, or by conventions in three fourths thereof, as long as the one or the other mode of ratification may be propoſed by Congreſs. *And whereas*, in the ſeſſion of the Congreſs of the United States of America, begun and held at the city of Philadelphia, in the ſtate of Pennſylvania, on Monday, the ſecond of December, one thouſand ſeven hundred and ninety-three, it was reſolved, by the Senate and Houſe of Repreſentatives of the United States of America, in Congreſs aſſembled, two thirds of both houſes concurring, that the following article be propoſed to the legiſlatures of the ſeveral ſtates, as an amendment to the conſtitution of the United States, which, when ratified by three fourths of the ſaid legiſlatures, ſhall be valid as part of the ſaid conſtitution, viz. The judicial power of the United States ſhall not be conſtrued to extend to any ſuit in law or equity, commenced or proſecuted againſt one of the United States, by citizens of another ſtate, or by citizens or ſubjects of any foreign ſtate. *And whereas* the legiſlature of this ſtate have conſidered the ſaid article, and do agree to the ſame: Therefore,

Be it enacted, by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame, That the ſaid article ſhall be, and hereby is ratified by the legiſlature of this ſtate.

CHAP. XLVIII.

An ACT *concerning Promiſſory Notes.*

Paſſed 27th March, 1794.

BE *it enacted by the People of the State of New York, repreſented in Senate and Aſſembly, and it is hereby declared by the authority of the ſame*, That all notes in writing made according to the act, entitled, "An act for giving relief on promiſſory notes," ſhall have the ſame effect as inland bills of exchange, and ſhall be negociated in like manner; and that every ſuch note payable to any perſon or perſons, body politic or corporate, his, her, or their order, ſhall be aſſignable or endorſeable over in the ſame manner as inland bills of exchange are, or may be, according to the cuſtom of mer

chants; and that the perſon or perſons, body politic or corporate, to whom the money mentioned in ſuch note, is, or ſhall be by ſuch note, made payable, ſhall and may maintain an action for the ſame, in ſuch manner as he, ſhe, or they might do, upon any inland bill of exchange, made or drawn according to the cuſtom of merchants, againſt the perſon or perſons, body politic or corporate, who, or whoſe factor or agent ſigned the ſame; and that any perſon or perſons, body politic or corporate, to whom any ſuch note, payable to any perſon or perſons, body politic or corporate, his, her, or their order is, or ſhall be endorſed or aſſigned, or the money therein mentioned, ordered to be paid by endorſement thereon, ſhall, and may maintain his, her, or their action for ſuch ſum of money, either againſt the perſon or perſons who, or whoſe factor or agent ſigned ſuch note, or againſt any of the perſons who endorſed the ſame in like manner as in caſes of inland bills of exchange and not otherwiſe,

CHAP. XLIX.

An ACT *to enable certain Perſons therein named, to purchaſe and hold Real Eſtates within this State.*

Paſſed 27th March, 1794.

I. BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame,* That it ſhall and may be lawful for Charles Moulton, John May, William Inman, Thomas Beal, William Worſey, Richard Moon, James Drowley, Joſeph Smith, Richard Bradford, John Baptiſt Deſdoity, Ferdernand Roſſet, John James Caart, Thomas Harriſon, James Harriſon, Louis Ferdinand Le Villiar, Andrew Bartholomew de Hauſſey, John Haſtier, James Raymond, Simon Des Jardins, Pierre Pharoux, George Johnſon, Jacob Buſh, Michael Thomas Huyſen, Seth Wayland, Levy Wayland, Francis Wayland, John Wareham, Richard Hilliard, William Allum, Job Wayland, David Smith, James Smith, John Buckler, Peter Smith, Anne Dowdall, Thomas Errington, John G. Hill, Joſeph Meers, James Scarlett, Thomas Maurice, Anthelme Gay, Marie Catharine Hayſſer Chevalier, John Travis, and John Stark Robinſon, ſeverally to take and hold by purchaſe, lands, tenements, and hereditaments within this ſtate, reſpectively, to have and hold the ſame to them and to their reſpective heirs and aſſigns for ever, as fully to all intents and purpoſes as any natural born citizens may or can do, any law, uſage, or cuſtom to the contrary notwithſtanding.

II. *And be it further enacted by the authority aforeſaid,* That no lands, tenements, or hereditaments, heretofore purchaſed by any of the perſons herein before named, ſhall eſcheat to the people of this ſtate, by reaſon or on account of ſuch perſons then being aliens, but all ſuch lands, tenements, and hereditaments ſhall be underſtood, as having veſted in ſuch purchaſer or purchaſers, any law to the contrary thereof notwithſtanding. *Provided always,* That no alienation of any lands purchaſed, or to be purchaſed or held by virtue of this act, ſhall be good and effectual in the law, other than to a citizen or citizens of the United States.

CHAP. L.

An ACT *Relative to the Courts of Common Pleas in the Counties of Columbia and Clinton.*

Paſſed 27th March, 1794.

WHEREAS the court of common pleas in and for the county of Columbia, was not opened or held on the laſt Monday of October laſt, by reaſon that a ſufficient number of the judges and aſſiſtant juſtices of the ſame court did not attend to hold the ſaid court, whereby all proceſs and proceedings in the ſame court are diſcontinued: For remedy whereof,

I. *Be it enacted, by the People of the State of New-York, repreſented in Senate and Aſſembly*, That all proceſs and proceedings depending in the ſaid court of common pleas, on the laſt Monday of October laſt, ſhall be, and hereby are revived and continued until the laſt Monday in May next, and that all proceſs iſſued out of the ſaid court of common pleas, of the ſaid county, and which were returnable on the ſaid laſt Monday in October laſt, ſhall be entered at the court to be held in the ſaid county, next after the paſſing of this act, and that all perſons who were bound by bail bonds to appear at the ſaid court intended to have been held on the ſaid laſt Monday in October, ſhall be held and bound to appear by virtue of ſuch bail bonds reſpectively, at the next court of common pleas to be held in the ſaid county after the paſſing of this act.

II. *And be it further enacted*, That inſtead of the laſt Monday in October in every year, one of the times now preſcribed by law for holding the courts of common pleas and general ſeſſions of the peace in the ſaid county of Columbia, the ſame ſhall be held on the ſecond Monday in November, in each and every year, and may be held and continued until Saturday next following inclusive.

And whereas, the courts of common pleas, in and for the county of Clinton, was not opened or held on the firſt Tueſday of October laſt, by reaſon that a ſufficient number of the judges and aſſiſtant juſtices of the ſame county did not attend to open and hold the ſaid court, whereby all proceſs and proceedings in the ſame county are diſcontinued: For remedy whereof,

III. *Be it further enacted*, That all proceſs and proceedings depending in the ſaid Court of common pleas, on the ſaid firſt Tueſday of October laſt, ſhall be, and hereby are revived and continued unto the firſt Tueſday in May next, and that all proceſs iſſued out of the ſaid court of common pleas, of the ſaid county, and which were returnable on the ſaid firſt Tueſday in October laſt, ſhall be entered at the court to be held in the ſaid county next after the paſſing of this act, and that all perſons who were bound by bail bonds to appear at the ſaid court intended to have been held on the ſaid firſt Tueſday in October, ſhall be held and bound to appear by virtue of ſuch bail bonds reſpectively, at the next court of common pleas to be held in the ſaid county after the paſſing of this act.

CHAP. LI.

An ACT *for the Relief of John Hallock.*

Passed 27th March, 1794.

WHEREAS it has been represented to the legislature, that Lewis Palmer, and Edmund Palmer, late of the county of Westchester, did, on the 19th day of April, in the year one thousand seven hundred and seventy-six, jointly and severally, execute a bond to John Hallock of the said county, conditioned for the payment of one hundred pounds with lawful interest for the same, from and after the first day of May, then next ensuing, and that the said Edmund Palmer died insolvent, whereby the said John Hallock hath received only a small proportion of the monies due on said bond, and that the estate of the said Lewis Palmer hath been confiscated, whereby the said John Hallock hath been prevented from obtaining a payment in full on the said bond: For remedy whereof,

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That it shall and may be lawful for the said John Hallock, to present a petition to the chancellor, or one of the judges of the supreme court of judicature of this state, stating his claim against the estate of the said Lewis Palmer, giving the attorney general of this state at least twenty days previous notice thereof, and delivering to him a copy of such petition, with the said notice, in order that he may attend in behalf of the people of this state, and the chancellor or judge to whom such petition shall be addressed and presented, shall be, and hereby is authorized and required to hear and examine the said claim of the said John Hallock, and all matters concerning the same; and to determine and to ascertain whether any, and what sum of money ought to be paid out of the estate of the said Lewis Palmer, and shall make and subscribe a certificate of such determination, directed to the treasurer of this state, and the said treasurer is hereby authorized and required to pay to the said John Hallock out of any money then in the treasury, not otherwise appropriated, such sum as shall be ascertained by such certificate to be due or payable to the said John Hallock out of the estate of the said Lewis Palmer, taking a receipt for the same, upon the said certificate: Provided there shall be so much money in the treasury, arising from the estate of the said Lewis Palmer, and if there shall not be money enough to discharge the same, then the treasurer shall pay the sum in the treasury, and no more.

And provided also, That the said John Hallock shall deliver to the treasurer the bond aforesaid, with a proper discharge endorsed thereon, and shall give security to the people of the state, and deliver the same to the treasurer to refund the said money, or such part thereof as may be necessary to discharge any incumbrance, which may hereafter appear to be on the said estate by claim of dower or otherwise.

CHAP. LII.

An ACT *to complete the Bridge across the Rosendale Kill, in the Town of Hurley, in Ulster County.*

Passed 27th March, 1794.

WHEREAS by an act, entitled, "An act to amend an act, entitled, an act for laying out, repairing, and improving certain public roads

and highways within this ſtate, paſſed the eleventh day of March, one thouſand ſeven hundred and ninety-three, the commiſſioners for the middle diſtrict were directed to complete a bridge acroſs the Roſendale Kill, in the town of Hurley, in the county of Ulſter. *And whereas* the committee who ſuperintended the building of the ſaid bridge, being apprehenſive the ſame might be carried away by reaſon of freſhes uſual in the ſpring of the year, did proceed to complete the ſaid bridge at their own expence, in full confidence the ſaid commiſſioners would reimburſe to them the monies they ſhould ſo expend beyond the ſubſcriptions obtained for building thereof. *And whereas*, doubts have ariſen, whether the ſaid commiſſioners were authoriſed to advance any money for ſervices performed prior to the money coming into their hands: Therefore,

I. *Be it enacted, by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame*, That the ſaid commiſſioners for the middle diſtrict ſhall, and they are hereby directed to pay to Joſeph Gaſherie, Cornelius Dubois, Sovereign T. Bruyn, Johannes T. Janſen, John C. de Witt, Andreas de Witt, Nathaniel Dubois, Cornelius E. Wynkoop, Philip de Bevier, Jacob Hoornbeck and Samuel Freer, the committee appointed for building the ſaid bridge, the monies in their hands not already appropriated or contracted for, in order to reimburſe them for building the ſaid bridge, provided the ſame ſhall not exceed the ſum of one hundred and forty-eight pounds.

I. *And be it further enacted, by the authority aforeſaid*, That the ninth clauſe of the act, entitled, "An act to amend an act, entitled, an act for laying out, repairing, and improving certain public roads and highways within this ſtate, ſhall be, and hereby is repealed.

CHAP. LIII.

An ACT *to amend the Act, entitled, "An Act to prevent the bringing in and ſpreading of Infectious Diſtempers in this State.*

Paſſed 27th March, 1794.

I. BE *it enacted, by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the act, entitled, "An act to prevent the bringing in and ſpreading of infectious diſtempers in this ſtate, ſhall extend to all veſſels coming from any port or place whatſoever. And that in the abſence of the perſon adminiſtering the government of this ſtate for the time being, from the cities of Albany and Hudſon, the mayor of the ſaid cities reſpectively, or in their abſence the recorders of the ſaid cities reſpectively, ſhall execute the act aforeſaid in the ſaid reſpective cities, and upon Hudſon's river oppoſite to the ſaid cities reſpectively, and within one mile above and below the ſame, and two or more juſtices of the peace reſiding in any town in this ſtate, bordering or lying upon any port or harbour of this ſtate, ſhall alſo execute the ſaid act in ſuch towns reſpectively, and upon the waters oppoſite to the ſame towns.

Mayor or recorder of Albany or Hudſon, in the abſence of the governor, to execute ſaid act in ſaid cities, and on Hudſon's river oppoſite thereto.

And two or more juſtices in any town in this ſtate to execute ſaid act in ſaid town.

II. *And be it further enacted*, That it ſhall be lawful for the ſaid perſons hereby authorized to execute the ſaid act, ſo far as reſpects veſſels coming

into the ports and harbors of this ſtate, and alſo for any two or more juſtices of any of the inland towns of the ſtate, to take effectual meaſures to prevent the introduction and ſpreading of any infectious diſtemper into any part of the ſtate by land, and for that purpoſe to ſtop, detain, and examine any perſon coming from any place infected with any ſuch diſtemper; and if there ſhall be good cauſe to ſuſpect any perſon to be infected as aforeſaid, it ſhall be lawful for the perſon and perſons herein before authorized to execute this act, and the act aforeſaid, to cauſe every ſuch perſon to be ſent out of the ſtate, not being an inhabitant of this ſtate, or kept in ſuch place as will not expoſe the inhabitants of the ſame to receive and take ſuch infectious diſtemper; and further, to authorize and appoint any ſuch perſon or perſons under him or them, to and in the execution of this and the act aforeſaid, as he or they may deem proper, and alſo to do every other act and thing which may be thought neceſſary to carry into effect the object of this and the act aforeſaid, as fully as if the ſame was herein particularly expreſſed and provided for.

Said perſons authorized to examine any perſon coming from any infected place.

Perſons ſuſpected to be infected, to be ſent out of the ſtate, or kept in ſuch place as will not expoſe the inhabitants.

III. *And be it further enacted*, That it ſhall be lawful for the treaſurer of this ſtate, for the time being, and he is hereby required, out of any monies not otherwiſe appropriated, from time to time to pay ſuch ſum and ſums of money as the perſon adminiſtering the government of this ſtate, for the time being, ſhall, by warrant under his hand and ſeal, direct to be applied in and about the execution of this act and the act aforeſaid, not exceeding the ſum of one thouſand pounds in any one year.

Treaſurer to pay, on the Governor's warrant, for the execution of this act, a ſum, not exceeding one thouſand pounds in any one year.

IV. *And be it further enacted*, That it ſhall and may be lawful for the perſon adminiſtering the government of this ſtate, for the time being, by and with the advice and conſent of the council of appointment, to appoint ſuch phyſician in the cities of Albany and Hudſon, for the purpoſes aforeſaid, as they may think neceſſary and proper; and the phyſician who ſhall, in purſuance of the ſaid act, examine any veſſel coming from a foreign port, ſhall be entitled to, and receive from the commander thereof, the ſum of three pounds, inſtead of the ſum mentioned in the ſaid act.

One phyſician in each of the cities of Albany and Hudſon.

V. *And be it further enacted*, That it ſhall and may be lawful for the perſon adminiſtering the government for the time being, from time to time to appropriate the iſland commonly called and known by the name of Governor's Iſland, for the purpoſe of erecting buildings, or ſetting up tents thereon, for the reception or accommodation of any perſon or perſons infected, or ſuppoſed to be infected, with any ſuch diſtemper as aforeſaid, or any other ſick or diſordered perſon or perſons, and their neceſſary attendants; any leaſe, grant, or demiſe made, or to be made, by the regents of the univerſity, notwithſtanding.

Governor may appropriate Governor's Iſland for erecting buildings to accommodate infected perſons.

CHAP. LIV.

An ACT *for the further Sale of the unappropriated Lands of this State.*

Passed 27th March, 1794.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be lawful for the commissioners of the land-office, and they are hereby required to direct the sale of the residue of the unappropriated lands of this state, situate in the western district thereof, to be made in the manner herein after prescribed, and that no other of the unappropriated lands of this state shall be sold or disposed of, until further legislative provision for that purpose be made, excepting the lands under the waters of navigable rivers, as is directed by the eighteenth section of the act, entitled, "An act for the speedy sale of the unappropriated lands within this state, and for other purposes therein mentioned," passed the 5th day of May, 1786. *Provided always, and be it further enacted*, That nothing herein contained shall in any wise be deemed to extend to any of the lands reserved to the Oneida, Onondago, or Cayuga Indians, nor to the lands purchased from the Onondago Indians by the agents on the part of this state, appointed by the act, entitled, "An act relative to the lands appropriated by this state to the use of the Oneida, Onondago, and Cayuga Indians," passed the 11th of March, 1793; nor to any lands heretofore reserved by law for public uses, or for the use of this state, or to any lands in the county of Onondago, other than the hundred acre lots herein after mentioned.

Commissioners of the land office to direct the sale of the unappropriated lands in the western district of this state, and no others, except the lands under the waters of navigable rivers, and except lands heretofore reserved by law, &c.

II. *And be it further enacted*, That it shall be lawful for the said commissioners, and they are hereby required to direct the surveyor general to cause actual survey to be made of the unappropriated lands of this state, situate in the said western district, and that every of the tracts so to be surveyed as aforesaid, shall be laid out into a town or towns, containing, as nearly as may be, sixty-four thousand acres each, and as nearly in squares as local circumstances will permit; and that each town shall be laid out and surveyed into lots of one hundred and sixty acres, which shall also be as nearly square as may be, and the lots in each town shall be numbered from number one progressively to the last inclusive.

Commissioners to direct surveyor general to survey the said lands in said western district, into towns of 64,000 acres, and each town into lots of 160 acres, and as nearly in squares as possible, and the lots to be numbered progressively.

III. *And be it further enacted*, That the surveyor general shall make, or cause to be made, a map of each of the said tracts so to be surveyed as aforesaid, distinguishing on such map each town, and the lots therein contained, which map shall be fixed up in the said surveyor general's office, and one copy thereof, to be furnished by him, shall also be fixed up in the office of the secretary of this state; and the said surveyor general and secretary, shall respectively permit any person whatever freely to inspect the said maps, between the hours of nine and twelve in the morning, and three and six in the afternoon of every day (Sundays excepted) and the said maps shall, after the sale of the lands described thereon, as herein after directed, be filed in the offices of the said surveyor general and secretary respectively.

Surveyor general to make a map of each tract, and fix it up in his office, and in the secretary's office, for free inspection.

Sale of any tract or tracts to be noticed by public advertiſement;

In which advertiſement a day certain ſhall be fixed when he will ſell ſaid lands in the city of Albany by ſingle lots, at public auction.

IV. *And be it further enacted*, That whenever the ſaid commiſſioners ſhall direct the ſale of any tract or tracts of the ſaid lands, ſurveyed as aforeſaid, to be made purſuant to this act, and the map or maps thereof ſhall have been fixed up in the ſaid offices as aforeſaid, the ſaid ſurveyor general ſhall give notice thereof by advertiſement, to be publiſhed in at leaſt one of the newſpapers printed in each of the great diſtricts in this ſtate; and ſhall, in ſuch advertiſement, ſpecify a day certain, not leſs than two, nor more than four, months from the day on which ſuch advertiſement ſhall be firſt publiſhed, when he will commence the ſale of ſuch lands in the city of Albany, by ſingle lots, at public vendue, to the higheſt bidder; and ſhall alſo, in ſuch advertiſement, generally deſcribe the ſituation of ſuch lands, and the terms of payment allowed to the purchaſer by this act.

And on the day ſo fixed, and as many days ſucceeding as may be neceſſary, he ſhall put up the ſame for ſale by ſingle lots.

V. *And be it further enacted*, That the ſaid ſurveyor general ſhall, on the day ſpecified in ſuch advertiſement, and on ſo many days ſucceeding the ſame as ſhall be neceſſary for that purpoſe, put up to ſale, at public vendue, at the city of Albany aforeſaid, the ſaid lands ſo advertiſed as aforeſaid, and ſell the ſame, by ſingle lots, to the higheſt bidder. *Provided always*, That no more than ſixty-four thouſand acres of the unappropriated lands ſo to be ſurveyed as aforeſaid, ſhall be directed by the ſaid commiſſioners to be ſold at any one ſale or vendue, and that the ſame ſhall not be ſold at a leſs price than ſix ſhillings per acre. *And provided alſo*, That the ſales to be directed by virtue of this act, ſhall be held at the diſtance of at leaſt three months from each other.

Proviſo, not more than 64,000 acres to be ſold at any one vendue, and the lands not to be ſold at leſs than 6s. per acre.

Further proviſo.

One fourth of the purchaſe money to be paid immediately after the purchaſe is made:

And the ſurveyor general to give the purchaſer a certificate, deſcribing the land, and to endorſe thereon the money by him received, and the ſum remaining due:

Which remaining ſum ſhall be paid in one year, or the purchaſe be void, and the firſt payment forfeited;

But if the money is paid in one year, then a patent to iſſue for the ſame.

VI. *And be it further enacted*, That every purchaſer ſhall, immediately after having made his purchaſe, or within forty-eight hours thereafter, pay to the ſaid ſurveyor general the fourth part of the purchaſe money, and on having paid the ſame, the ſaid ſurveyor general ſhall give unto ſuch purchaſer a certificate, containing ſuch a deſcription of the lands purchaſed, as that the ſame may be inſerted in the letters patent to be granted therefor; and ſhall endorſe on ſuch certificate the ſum by him received, and alſo the ſum remaining due on ſuch purchaſe; and if the purchaſer ſhall not, within twelve months after the date of the ſaid certificate, pay the ſum ſo remaining due to the treaſurer of this ſtate, the purchaſe of ſuch delinquent purchaſer ſhall be, and hereby is declared void, and the money ſo paid, forfeited to the people of this ſtate; but if the ſum ſo remaining due ſhall be paid to the ſaid treaſurer within the time herein limited, he ſhall endorſe a receipt therefor on the ſaid certificate; and it ſhall be lawful for the ſaid commiſſioners, and they are hereby required, on ſuch certificate and receipt being produced to them, to direct letters patent to be prepared and iſſued for the lands deſcribed in ſuch certificate, to the purchaſer thereof, or to his legal repreſentative or repreſentatives. *Provided always*, That if any

If any purchaſer does not pay one fourth of the purchaſe money in 48 hours after the purchaſe, the purchaſe to be void, and the land to be again ſet up for ſale;

And the purchaſer who neglected to pay ſaid fourth of ſuch purchaſe money, to forfeit five pounds.

purchaſer ſhall neglect or refuſe, within forty-eight hours after ſuch purchaſe, to pay the ſaid fourth part of the purchaſe money, ſuch purchaſe ſhall be, and hereby is declared void; and the ſaid ſurveyor general ſhall, at the ſame vendue, again expoſe to ſale the lands ſo purchaſed in manner aforeſaid; and the purchaſer ſhall, for ſuch neglect or refuſal, forfeit to the people of this ſtate the ſum of five pounds, to be ſued for and recovered by the ſaid ſurveyor general, in his own name, with coſts of ſuit, before any juſtice of the peace within this ſtate.

Commiſſioners immediately to direct all the hundred acre lots, commonly ſo called, in the military tract, to be ſold by the ſurveyor general, in the ſame manner as the lands herein before directed to be ſold;

VII. *And be it further enacted*, That it ſhall be lawful for the ſaid commiſſioners, and they are hereby required, as ſoon as may be after the paſſing of this act, to direct all the lots, commonly called the hundred acre lots, be the ſame more or leſs, ſituate in the military tract, in the county of Onondago, and which are or ſhall be reſerved to the people of this ſtate, in and by the patents iſſued or to be iſſued for the ſaid military tract, to be ſold by the ſaid ſurveyor general, without cauſing any further ſurvey or other arrangement of the ſaid lots to be made; and the ſaid ſurveyor general, without making or cauſing to be made any map or maps of the ſaid lots, ſhall thereupon adverti ſe and ſell the ſame, as they are now ſituated, by ſingle lots, in the ſame manner, on the ſame terms, and under the ſame reſtrictions, as is directed by this act with reſpect to the other unappropriated lands above mentioned; any thing in this act to the contrary notwithſtanding.—

But at a price not leſs than 8s. per acre.

Provided however, That the lots in the ſaid military tract ſhall not be ſold at a leſs price than eight ſhillings per acre.

Commiſſioners to deſignate every town by ſuch name as they ſhall think proper.

VIII. *And be it further enacted*, That the ſaid commiſſioners ſhall deſignate every town to be laid out by virtue of this act, by ſuch name as they ſhall deem proper; and ſuch name ſhall be inſerted in the letters patent to be granted for the lands contained therein.

Four lots to be reſerved in every town to promote public ſchools and literature

IX. *And be it further enacted*, That in every town to be laid out as aforeſaid, the ſurveyor general ſhall reſerve four lots, and mark the ſame on the map, for promoting ſchools and literature, which lots ſhall be as nearly central in each town as may be, and ſhall not be ſold, but reſerved for, and hereafter applied by the legiſlature for promoting public ſchools and literature in the reſpective towns.

Surveyor general, within 40 days after every ſale, to pay the monies ariſing therefrom to the treaſurer, and to make him a return of ſuch ſales; and if any of the purchaſers do not pay the treaſurer the purchaſe money due within the limited time, treaſurer to return their names to ſurveyor general, and he there upon to ſell the lands again.

X. *And be it further enacted*, That the ſurveyor general ſhall, within forty days after every vendue or ſale of lands to be held by virtue of this act, make return of ſuch ſales, and pay the monies which ſhall have ariſen therefrom, to the treaſurer of this ſtate; and if the reſpective purchaſers, or ſome perſon or perſons on their behalf, do not pay the purchaſe money which ſhall remain due, within the time herein before limited, the ſaid treaſurer ſhall tranſmit to the ſaid ſurveyor general the name of every delinquent purchaſer, and the ſaid ſurveyor-general ſhall thereupon advertiſe and ſell the ſaid lands ſo ſold and not paid for, in the ſame manner as if ſuch ſale had not been made.

All the lots purchased by one person, to be included in one patent. Secretary's fees for preparing the letters-patent.

XI. *And be it further enacted*, That in case any person shall purchase at any sale or vendue to be held by virtue of this act, two or more lots as aforesaid, the same shall be included in one patent, to be issued for the same; and that the secretary of this state shall be entitled to the following fees for preparing the letters-patent to be issued by virtue of this act, to wit, for each patent for a single lot the sum of eight shillings; for each patent for more than one and less than four lots, the sum of twelve shillings for each patent; for more than three and less than nine lots, the sum of sixteen shillings; and for each patent for more than eight lots, the sum of twenty-four shillings; which fees shall be paid by the person or persons in whose favour any patent or patents shall issue.

XII. *And be it further enacted*, That in cases of purchases heretofore made, from the commissioners of the land-office, and on which balances are now due, the same shall be paid, together with the lawful interest therefor, on or before the first Monday of July next; and that thereupon a patent or patents shall accordingly issue and be granted for the said respective purchases; and in default of such payment, it is hereby declared, that all bargains and sales heretofore made as aforesaid, and on which delinquencies as aforesaid shall exist after the said first Monday in July next, shall be void and of none effect. *Provided however*, That nothing herein contained shall be construed to prejudice or injure the right of any purchaser or purchasers, his or their legal representative or representatives respectively, and who may appear to have made default as aforesaid, or who may fail in making payment on the said first Monday of July next, when such failure shall not happen through the neglect or omission of such purchaser or purchasers, his or their legal representative or representatives, but shall be occasioned by a necessary delay in procuring a survey of such purchases so by them made, for the purpose of ascertaining the quantity of lands contained in the said purchases; but that it shall and may be lawful to and for the said commissioners of the land-office, to direct the granting of letters patent in the said last mentioned cases, as soon as the reason of such delay and default shall be removed, and on payment being made thereon, within forty-five days thereafter.

Treasurer to receive any certificates signed by himself, in payment for lands sold by virtue of this act.

XIII. *And be it further enacted*, That the treasurer of this state shall be, and hereby is required to receive in payment for any of the lands to be sold by virtue of this act, any certificates signed by the treasurer of this state at their nominal value.

CHAP. LV.

An ACT *for the Relief of the Creditors of Stephen Holmes, deceased.*

Passed 27th March, 1794.

WHEREAS it hath been represented to the legislature by the petition of John Miller, that Stephen Holmes, late of Bedford, in the county of Westchester, deceased, on or about the first day of April, in the year of our Lord, one thousand seven hundred and seventy-nine, died intestate, and seized of a real estate, sufficient to discharge all the debts due to the said John Miller, and other creditors of the said Stephen Holmes, that Lewis

Holmes of the ſame place, the only heir at law of the ſaid Stephen, on the death of the ſaid Stephen, entered upon and took poſſeſſion of the ſaid real eſtate, and in a ſhort time thereafter, removed himſelf within the Britiſh lines, that the ſaid Lewis Holmes hath been convicted of adhering to the enemies of this ſtate, and all his eſtate become forfeited to, and veſted in the people thereof, and ſold by the commiſſioners of forfeitures. That the avails of the ſaid eſtate have been depoſited in the treaſury. That the ſaid eſtate ſo deſcended, confiſcated and ſold, as aforeſaid, was diſpoſed of as the eſtate of the ſaid Lewis Holmes, and therefore that the creditors of the ſaid Stephen Holmes have not had their claims liquidated and paid, their caſes not being included in any law for that purpoſe: For remedy whereof,

I. *Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall and may be lawful for any perſon having any claim or demand as beforementioned, againſt the eſtate of the ſaid Lewis Holmes, and who was an inhabitant of this ſtate on the ninth day of July, in the year of our Lord one thouſand ſeven hundred and ſeventy-ſix, and hath not been convicted or attainted, or his or their legal repreſentative, to preſent a petition or petitions to the chancellor, or one of the judges of the ſupreme court of judicature of this ſtate for the time being ſtating his or her claim or demand againſt the eſtate of the ſaid Lewis Holmes, giving the attorney-general of this ſtate at leaſt twenty days notice thereof, and delivering to him a copy of ſuch petition or petitions, with the ſaid notice, in order that he may attend on behalf of the people of this ſtate, and the chancellor or judge to whom ſuch petition or petitions ſhall be preſented and addreſſed, ſhall be, and hereby is authoriſed and required to hear and examine the ſaid claim or demand, and all matters concerning the ſame, and according to equity and good conſcience to determine and aſcertain whether any, and what ſum of money ought to be paid out of the eſtate of the ſaid Lewis Holmes, to the ſaid perſon having claims as before mentioned, on the eſtate of the ſaid Lewis Holmes, and ſhall make and ſubſcribe a certificate of ſuch determination, directed to the treaſurer of this ſtate, and the ſaid treaſurer is hereby authoriſed and required to pay to the perſon, or to his or her legal repreſentatives, in whoſe favour a certificate may be given as aforeſaid, ſuch ſum or ſums of money as may be aſcertained by the ſaid certificate, to be payable out of the eſtate of the ſaid Lewis Holmes, taking a receipt for the ſame, on the ſaid certificate, provided ſuch certificate ſhall be preſented to the ſaid treaſurer, previous to the expiration of eighteen months from the paſſing of this act; but if the proceeds of the eſtate of the ſaid Lewis Holmes ſhould be inſufficient to ſatisfy the whole of the claims and demands ſo certified, to be payable in purſuance of this act, then it ſhall be lawful for the ſaid treaſurer, and he is hereby directed and required to diſtribute the monies ariſing from the eſtate of the ſaid Lewis Holmes aforeſaid, to and among the ſeveral claimants whoſe demands ſhall have been ſo aſcertained and certified as aforeſaid, in proportion to the ſums ſo certified, to be payable to each of them reſpectively.

II. *And be it further enacted*, That the ſaid perſons in whoſe favour ſuch certificates reſpectively ſhall be given, ſhall, previous to their receiving the ſums of money which ſhall be certified to be due to them as aforeſaid, each of them ſeparately enter into a bond with one ſufficient ſurety to the

ſaid treaſurer, to refund to the ſaid treaſurer or his ſucceſſor in office, a rateable proportion of any ſum or ſums of money which this ſtate may hereafter be obliged to pay in ſatisfaction of any claim or claims of dower, or any other incumbrance or incumbrances whatever, which may ariſe upon the forfeited eſtate of the ſaid Lewis Holmes, deſcended to him as aforeſaid, unleſs there is a ſufficiency in the treaſury to ſatisfy the ſaid dower, and other incumbrance or incumbrances, when the recovery or recoveries aforeſaid is, or are obtained, comparing the ſum or ſums ſo recovered as aforeſaid, with the balance now in the treaſury of this ſtate, that has ariſen from the forfeited eſtate aforeſaid.

CHAP. LVI.

An ACT *for the Relief of George Hall, and others.*

Paſſed 27th March, 1794.

WHEREAS George Hall, Adam Konkle, David Holbrook, Henry Wells, Abiel Frey, and Solomon Tracy, did reſpectively procure from the commiſſioners, appointed by law for that purpoſe, allotments of the following tracts or parcels of land, ſituate now or late in the town of Chemung, in the county of Tioga, for lot number fifty-ſeven, containing one hundred and nine acres; lot number eighty-ſix, containing two hundred and ninety-ſeven acres, and lot number one hundred and forty, containing two thouſand eight hundred and ninety-ſeven acres, as appears by the map and field book, filed by the ſaid commiſſioners in the office of the ſurveyor-general of this ſtate.

And whereas, the purchaſe money for the ſaid tracts of land, owing to ſome unavoidable accident, was not paid into the treaſury of this ſtate, within the time limited by law for that purpoſe, and the ſaid George Hall, Adam Konkle, David Holbrook, Henry Wells, Abiel Frey, and Solomon Tracy, have prayed relief in the premiſes: Therefore,

I. *Be it enacted, by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall and may be lawful to and for the commiſſioners of the land-office of this ſtate, and they are hereby directed and required to iſſue letters patent under the great ſeal of this ſtate, in the uſual form, unto the ſaid George Hall, or his legal repreſentatives, for the ſaid lot number fifty-ſeven, unto Adam Konkle or his legal repreſentatives, for the ſaid lot number eighty-ſix, and unto David Holbrook, Henry Wells, Abiel Frey, and Solomon Tracy, or their legal repreſentatives, for the ſaid lot number one hundred and forty, agreeable to the deſcription and boundaries of the ſaid ſeveral lots mentioned and contained in the map and field book aforeſaid. *Provided always*, That the ſaid George Hall and Adam Konkle, and the ſaid David Holbrook, Henry Wells, Abiel Frey, Solomon Tracy, or their ſeveral legal repreſentatives, ſhall previouſly and within the ſpace of three calendar months after the paſſing of this act, have paid into the treaſury of this ſtate, the whole of the purchaſe-money for the ſaid lots, ſo to be granted, together with the lawful intereſt accrued ſubſequent to the firſt day of March, one thouſand ſeven hundred and ninety-one.

And whereas, by the act, entitled, "An act to aſcertain and ſettle the limits and boundaries between the patent of Kayaderoſſeres, the patent commonly called the Half Moon patent, and the patent of Shannandhoy, or Oneida Park," and to bind the title of the reſpective claimants, certain commiſſioners were therein appointed, which commiſſioners have determined

the boundaries thereof. *And whereas*, by the petitions of a number of inhabitants poſſeſſing the aforeſaid lands, to the legiſlature, ſtating, that they the ſaid petitioners had not conſented to the appointment of the commiſſioners by law as aforeſaid, and praying relief in the premiſes. *And whereas*, the houſe of Aſſembly in this preſent ſeſſion, did paſs a bill for their relief, which ſaid bill, the Senate by their reſolution have ordered to be printed, ſo that all perſons concerned might have notice thereof. *And whereas*, great injury may reſult to many of the occupants and poſſeſſors of the ſaid land, if the adjudication of the ſaid commiſſioners ſhould be given in evidence, on any trial previous to a deciſion on the ſaid bill ſo directed to be publiſhed: Therefore,

II. *Be it further enacted*, That neither the act herein before mentioned, nor the deciſion thereon by the commiſſioners by the ſaid act appointed, ſhall be given in evidence on any ſuit to be commenced, or on any trial to be had before the expiration of twenty days, ſubſequent to the firſt day of the meeting of the next legiſlature, for the recovery of any of the ſaid lands held by any occupant or poſſeſſor thereof, who has not actually been a ſubſcriber by himſelf or his agent, to any or either of the petitions on which the ſaid act was predicated.

CHAP. LVII.

An ACT *further to continue the Act for the Appointment of an Auditor, and the Settlement of the Public Accounts of this State, and alſo to continue the Second Section of the Act amending the ſame.*

Paſſed 27th March, 1794.

I. BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the act, entitled, "An Act for the appointment of an auditor, and the ſettlement of the public accounts of this ſtate," paſſed the twenty-third day of March, one thouſand ſeven hundred and eighty-two; and alſo the ſecond ſection of the act further to continue and amend the act aforeſaid, paſſed the ſeventh day of March, one thouſand ſeven hundred and ninety-two, ſhall be, and hereby are continued in full force and virtue, to all intents and purpoſes, until the firſt day of July, which will be in the year of our Lord one thouſand ſeven hundred and ninety-ſix.

II. *And be it further enacted*, That during the continuance of the act above ſaid, the ſalary of the auditor ſhall from and after the firſt day of July next, be at and after the rate of two hundred pounds per annum, payable in four equal quarterly payments at the treaſury.

CHAP. LVIII.

An ACT *for the Payment of the Salaries of certain Officers of Government, and other contingent Expences.*

Paſſed 27th March, 1794.

I. BE *it enacted, by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the treaſurer ſhall pay on or before the firſt day of July next, to Simeon De Witt, ſurveyor-general

Treasurer to pay Simeon De Witt, surveyor general, clerk of the courts of Oyer and Terminer.

of this state, the sum of four hundred pounds. To James Fairlie, clerk of the courts of oyer and terminer, and general gaol delivery, the sum of four hundred pounds; and to Francis Childs, printer to this state, the sum of one hundred pounds, for their services in their respective offices, from the first day of July last, to the first day of July next; and to the said Simeon De Witt, the further sum of thirty-three pounds, ten shillings, as a compensation for monies by him advanced, for running a temporary jurisdiction line between the town of Schenectady and the patent of Kayaderosseras, and to Charles R. and George Webster, the sum of thirty-seven pounds ten shillings, for services performed by them during the present session, for and in behalf of Francis Childs, printer to this state. *Provided nevertheless*, That the said Simeon De Witt shall account with the auditor for this state, and pay into the treasury all the fees which he may have received as surveyor-general during the time abovesaid, and which have not already been accounted for and paid.

State printer. Simeon De Witt, further sum.

Charles R. and George Webster.

II. *And be it further enacted*, That the treasurer shall pay unto David Van Horne, adjutant-general of the militia of this state, at and after the rate of three hundred and fifty pounds per annum, to be computed from the time of his appointment, and continued to the first day of July next, if he shall remain so long in office. *Provided always*, That the said adjutant-general shall, and he is hereby directed and required, once in every year, to review the militia of this state.

Adjutant general.

III. *And be it further enacted*, That the treasurer of this state shall pay to David Van Horne, the adjutant-general, the sum of one hundred and twenty pounds, for his services from the day of his appointment to the seventh day of October last.

Adjutant general further sum.

IV. *And be it further enacted*, That the treasurer shall pay to such gentlemen of the clergy, as shall have attended the legislature as chaplains during the present session, the sum of sixteen shillings each, for every day of their attendance for that purpose; and the certificates of their attendance, and the sums due to them respectively, shall be certified by the president of the senate and the speaker of the assembly, in like manner as for members of the legislature.

Gentlemen of the clergy.

V. *And be it further enacted*, That the treasurer of this state be, and he is hereby authorized and directed, to pay to the mayor, aldermen and commonalty of the city of New-York, in common council convened, or to their order, a warrant, under the hand of the mayor or recorder of the said city, presiding in such common council, the sum of one thousand four hundred and eighty-eight pounds, fourteen shillings and six-pence, being the amount of the necessary expences incurred and paid by the said mayor, aldermen, and commonalty of the city of New-York, during the last summer and fall, in and about the preventing the introduction and spreading of the pestilential disease in this state which then prevailed in the city of Philadelphia.

The corporation of New York.

VI. *And be it further enacted*, That the treasurer shall pay to the chamberlain of the city of Albany, for the use of the mayor,

The chamberlain of Albany.

aldermen, and commonalty of the ſaid city, the ſum of one hundred and fourteen pounds, for the like ſum expended by them in guarding againſt the late malignant diſorder which prevailed in Philadelphia.

VII. *And be it further enacted*, That the treaſurer of this ſtate be, and he is hereby authorized and required, to pay to John Jacob Beekman the ſum of four hundred and ninety pounds, with intereſt at ſix per cent. on the ſum of four hundred and two pounds, part thereof from the eleventh day of October, in the year one thouſand ſeven hundred and eighty-eight, until paid, upon the ſaid John Jacob Beekman, aſſigning to the ſaid treaſurer in truſt for the people of this ſtate, the deed, dated the twenty-fifth day of Auguſt, in the year one thouſand ſeven hundred and eighty-eight, executed by two of the commiſſioners of forfeitures for the weſtern diſtrict of this ſtate, for the one equal undivided half or moiety, of lot number one, in a patent granted the eleventh day of October, in the year one thouſand ſeven hundred and ſixty-five, to Frederick Young and other, and ſuppoſed to have been forfeited to the people of this ſtate, by the conviction of Frederick Young.

John Jacob Beekman.

VIII. *And be it further enacted*, That a ſum not exceeding three thouſand five hundred pounds be, and the ſame is hereby appropriated to be paid by the treaſurer of this ſtate, out of any monies not otherwiſe appropriated in the treaſury, for the ſupport of ſuch of the inhabitants of Saint Domingo, reſident within this ſtate, as ſhall be found in want of ſuch ſupport.

Three thouſand five hundred pounds appropriated to the ſupport of Saint Domingo inhabitants.

IX. *And be it further enacted*, That in order to ſecure the due application of the monies aforeſaid, the ſame ſhall be placed under the direction of the perſon adminiſtering the government of this ſtate, and it ſhall be lawful for him to draw the ſaid monies or any part thereof, from the treaſury of this ſtate, by warrant under his hand, and to cauſe the diſtribution thereof to be made for the relief of the perſons aforeſaid, in ſuch manner, and by the hands of ſuch perſons as ſhall in the opinion of the perſon adminiſtering the government of this ſtate for the time being, appear moſt conducive to the humane purpoſes hereby intended.

Said ſum placed under the direction of the governor.

X. *And be it further enacted*, That a regular ſtatement and account ſhall be kept, of the monies ſo expended, and that the ſame be reported to the legiſlature of this ſtate, at their next ſeſſion. *Provided however*, That no part of the above ſum ſhall be applied for the purpoſes aforeſaid, until the whole of ſuch monies as have been already voluntarily contributed in aid reſpecting the premiſes, ſhall be expended. *And provided alſo*, That the monies which have been, or may hereafter be appropriated for the uſe aforeſaid, by the Congreſs of the United States, and which may be received therefor, ſhall be firſt applied in and about the premiſes. *And provided alſo*, That in caſe the French Republic, or its miniſter, or other authorized agent, ſhall afford ſupport and maintenance of the ſaid inhabitants of Saint Domingo, reſident as aforeſaid, within this ſtate, that then and from thenceforth the proviſion herein contained, relative to them, ſhall ceaſe and be void. *And it is hereby declared*, that the aforegoing appropriation is made in full confidence that all ſums of money expended in and about the pre-

An account of the expenditures to be kept and reported to the legiſlature.

niſes, ſhall be credited by the United States to this State, in caſe any proviſion is made by the Congreſs of the United States in ſimilar caſes.

Reciting that a judgment has been obtained againſt Henry K. Van Renſſelaer.

And whereas, a judgment has been obtained againſt Henry K. Van Renſſelaer, by the people of this ſtate, for monies received by him for paying the officers and ſoldiers belonging to his regiment, in the late war; *And whereas*, a number of the ſaid officers and ſoldiers, have by their petition, repreſented to the legiſlature, that they have not received their pay: Therefore,

XI. *Be it further enacted*, That the treaſurer of this ſtate, ſhall, and he is hereby authorized and required, to examine into and adjuſt the claims of the ſaid officers and ſoldiers, late of the ſaid Henry K. Van Renſſelaer's regiment, and whoſe pay was ſo received by the ſaid Henry K. Van Renſſelaer, and included in the ſaid judgment, in ſuch manner as to him ſhall appear juſt and equitable; and on ſuch adjuſtment, to pay to them and each and every of them, the ſum or balance that may appear to the ſaid treaſurer to be juſtly due and owing to them, and each of them reſpectively.

Treaſurer to pay Philip, Benjamin, and Daniel Pelton.

XII. *And be it further enacted*, That the treaſurer of this ſtate be, and he is hereby authorized and required, to pay to Philip Pelton, Benjamin Pelton, and Daniel Pelton, or either of them, the ſum of four hundred and fifty pounds, being the original purchaſe-money paid by them to the late commiſſioners of forfeitures for the middle diſtrict, for a farm bought by them of the ſaid commiſſioners, ſituate in Frederick's town in the county of Dutcheſs, ſuppoſed to have been forfeited by the conviction of Tertullus Dickenſon, together with lawful intereſt on the ſaid principal ſum of four hundred and fifty pounds, from the firſt day of May, in the year one thouſand ſeven hundred and eighty-one, and the amount of the taxed bills of coſts of plaintiff and defendant, in the ejectment ſuit in the ſupreme court of this ſtate, by which the ſaid Tertullus Dickenſon recovered the poſſeſſion of the ſaid farm from Joſeph Blatchley, who was tenant in poſſeſſion under the ſaid Philip Pelton, Benjamin Pelton, and Daniel Pelton, upon the ſaid Philip Pelton, Benjamin Pelton, and Daniel Pelton, aſſigning to the people of this ſtate, and delivering to the ſaid treaſurer, a deed executed to them by the ſaid commiſſioners.

Treaſurer to pay the governor 500l. for repairing the ordnance.

XIII. *And be it further enacted*, That the treaſurer of this ſtate, pay unto the perſon adminiſtering the government of this ſtate, or to ſuch perſon as he by his warrant ſhall authorize to receive the ſame, a ſum not exceeding five hundred pounds, for the purpoſe of procuring the neceſſary materials to put into repair the ordnance and appurtenances thereunto appertaining, belonging to the people of this ſtate, and for furniſhing the ſame with the requiſite implements, and that he accordingly direct the ſame.

To Benjamin Hanſen, the moiety of a certain ſloop, ſold by the commiſſioners of forfeitures.

XIV. *And be it further enacted*, That the treaſurer of this ſtate is hereby required to pay to Benjamin Hanſen, ſurviving executor of the laſt will and teſtament of Teunis A. Slingerlandt, deceaſed, the ſum of one hundred and eighty pounds and ten ſhillings, for the moiety of the ſloop ſold by the commiſſioners of ſequeſtration of the county of Albany, as the property of Michael Hoffnagel, whenever the ſaid Benjamin Hanſen and

John Tillman shall execute such release and indemnification in writing, as the attorney-general of this state shall approve of.

Reciting that John and Jacob Konkapot, two Indians, are unable to defray their expences in returning home.

And whereas, John Konkapot and Jacob Konkapot, two of the Mohekanuck tribe of Indians, have attended this legislature with a petition in behalf of their tribe, and are unable to defray their expences in returning home, and have prayed that the state would grant them a small sum of money for that purpose: Therefore,

Treasurer to pay them 5l. each.

XV. *Be it further enacted*, that the treasurer of this state shall pay to the said John Konkapot and Jacob Konkapot, or their respective orders, the sum of five pounds each, for the purpose above mentioned.

Treasurer to pay Abraham Hyatt & James Smith.

XVI. *And be it further enacted*, That the treasurer shall pay to Abraham Hyatt and James Smith, the sum of twenty-five pounds, five shillings, and six-pence, for their expences incurred and paid in Canada, in securing and conveying John Ryer, late of Westchester county, charged with the murder of Dr. Isaac Smith, whilst in the execution of his office as deputy sheriff of said county, from that place, to and within the jurisdiction of this state; and the further sum of thirteen pounds, eight shillings, for their expences incurred and paid by them in securing and conveying the said John Ryer, from the line of jurisdiction aforesaid, to the said county of Westchester, and that the treasurer also pay to Samuel Haight, Esquire, sheriff of the said county, the sum of forty-seven pounds, four shillings, and ten-pence, to be by him appropriated in discharging the expences incurred in procuring a guard for the safe keeping of the said John Ryer, and the more effectual prevention of the rescue of the same John Ryer, from the gaol of the aforesaid county, after his conviction for the said murder.

To Samuel Haight.

Treasurer to pay commissioners for improving roads in the Western District.

XVII. *And be it further enacted*, That the treasurer of this state be, and he is hereby authorized and directed to pay to William North, Silas Talbot, and Theodorus V. W. Graham, commissioners for erecting bridges, and improving roads in the Western District of this state, or either of them, the sum of one hundred and ten pounds, to enable them to improve upon the contract for building a bridge over the Mohawk river, below the Cohoes, or great Falls, on the said river, and that the said commissioners account for the said sum before the auditor of this state, together with the sum heretofore committed to their trust, for the purposes aforesaid, in the manner heretofore prescribed by law.

To John Taylor.

XVIII. *And be it further enacted*, That the treasurer shall pay to John Taylor or his order, the sum of eleven hundred and forty-three pounds, ten shillings and two-pence, in full for cash and other articles advanced by him to defray the expences incurred in negociations with the Oneida, Cayuga, and Onondago Indians, in consequence of concurrent resolutions of the senate and assembly, during the present session, including a balance due since last year, as appears by account rendered.

To the governor, 241l. 9s. 5d. for expences in administering the government.

XIX. *And be it further enacted*, That the treasurer of this state shall pay to George Clinton, governor of this state, or to his order, the sum of two hundred and forty-one pounds, nine shillings and five-pence, it being the amount

of a balance due to him by the auditor, for sundry expences incurred in administering the government of this state during the last year.

Brigadiers may direct the buttons of the militia uniform to be either of white or yellow metal.

XX. *And be it further enacted*, That it shall be in the discretion of the Brigadier-Generals respectively, to direct that the buttons of the uniform of the militia, in their respective brigades, shall be either of white or yellow metal; any thing in the act for organizing the militia of this state, to the contrary notwithstanding.

Treasurer to pay Hendrick Onontakoi, an Indian, 40 dollars.

XXI. *And be it further enacted*, That the treasurer be, and hereby is directed to pay unto Hendrick Onontakoi, an Oneida Indian, the sum of forty dollars, in full for a compensation for his services rendered to this state in the late war.

Commissioners of highways for the Eastern District.

XXII. *And be it further enacted*, And the treasurer is hereby directed and required, to pay unto Peter Van Ness, John Williams, and John Kinneckerbacker, jun. commissioners of highways for the Eastern District, or to either of them, the sum of one hundred pounds, to be by them laid out and expended in the laying out and repairing the roads and bridges from the north end of Lake George, to the south line of the town of Willsborough, in the county of Clinton.

Several widows of persons whose estates were forfeited.

XXIII. *And be it further enacted*, That the treasurer of this state shall be, and he is hereby directed, to pay to Elizabeth Mabie, the widow of Cornelius P. Mabie, the sum of one hundred and sixty-seven pounds and four-pence; and to Margaret Ackerson, the widow of John Ackerson, ninety-four pounds eighteen shillings and five-pence; and to Huldah Lyon, who was the widow of Ezekiel Hawley, jun. the sum of thirty-five pounds, six shillings and seven-pence; and to Ann Jones, the widow of Thomas Jones, the sum of one thousand and seventy-four pounds, and three shillings; and to Sarah Corey, the widow of Griffin Corey, the sum of one hundred and sixty-nine pounds, thirteen shillings and five-pence, for their rights of Dower in the lands and tenements whereof their said respective husbands were seized, and which have been sold by the commissioners of forfeitures, upon their respectively executing and delivering to the treasurer of this state, releases of their dower and rights of dower respectively, of and in the said lands and tenements, to the people of this state, and to the persons respectively holding the said lands and tenements, or any part thereof.

CHAP. LIX.

An ACT *relative to the Indians resident within this State.*

Passed 27th March, 1794.

The governor and others appointed trustees for the Indians residing in this state.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the person administering the government of this state, and William North, John Taylor, Abraham Van Veghten, Abraham Ten Broeck, Peter Ganse-voort, junior, and Simeon De Witt, are hereby appointed trustees for the Indians residing within this state, and for each and every tribe of them, with full power to make such agreements and arrangements with the Oneida, Onondago, and Cayuga Indians, or any or either of them, respecting the lands reserved for their use, or claimed by them,

or any part or parts thereof, as shall tend to produce an annual income to the said Indians, and to insure their good will and friendship to the people of the United States. *Provided always*, That every grant or conveyance to be obtained from any of the said Indians, or nations or tribes of Indians, shall be to the use of the people of this state. *And provided also*, That every such grant or conveyance shall be in fee, and with full power to extinguish the claims of any other Indians, to any other lands within this state, except the lands the pre-emption whereof is ceded to the commonwealth of Massachusetts, in such manner as they may think proper, and with power to appoint an agent, or agents, as occasion may require, for the purposes aforesaid, but no agreement to be made by any such agent or agents, shall be valid, unless ratified by the said trustees.

All grants obtained from them to be to the use of the people of the state, and in fee.

II. *And be it further enacted*, That the consideration for the purchase or cession of the right of the Oneida, Onondago, or Cayuga Indians, to any lands reserved to their use, or to the use of either of the said nations or tribes, shall be an annuity, and that no more money shall be paid at the time of such purchase or cession, than the amount of such annuity for one year. But the consideration for the extinguishment of any claim of the said Indians, or any other Indians, to any other lands within this state, shall be paid at the time of making the contract, or within one year thereafter.

Consideration of the Oneida, Onondago, and Cayugas, for any of their lands reserved to them, to be an annuity.

III. *And be it further enacted*, That it shall be lawful for the person administering the government of this state, and he is hereby required, from time to time, by warrant under his hand, to draw from the treasury of this state such sum and sums of money as a majority of the said trustees shall deem necessary, to be expended and applied in the execution of the trust and power hereby granted, not exceeding in the whole five thousand pounds; and the treasurer of this state is hereby required, out of any monies he may have in the treasury not otherwise appropriated, forthwith to satisfy such warrant; and the said trustees shall be responsible to the people of this state for their respective expenditures and payments, and shall account with the auditor of this state accordingly.

Governor to draw, by warrant, from the treasury, such sums as trustees may deem necessary, not exceeding 5000l.

IV. *And be it further enacted*, That the lands so to be purchased by the said trustees, to the use of the people of this state, shall not be sold or disposed of until further legislative provision be made in the premises.

Lands so purchased not to be sold until further directions be given by the legislature.

V. *And be it further enacted*, That any four of the said trustees, of whom the person administering the government of this state always to be one, shall be a quorum, from time to time to execute the trusts and powers hereby granted.

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LAWS

OF THE

STATE OF NEW-YORK,

Paſſed at the EIGHTEENTH SESSION of the LEGISLATURE, held at the CITY of NEW-YORK.

CHAP. I.

An ACT *to revive and continue the proceedings of the Court for the Trial of Impeachments and the Correction of Errors.*

Paſſed the 29th of January, 1795.

WHEREAS the court for the trial of Impeachments and the correction of Errors was held in the Senate room at Poughkeepſie in the county of Dutcheſs, on Monday the twelfth day of January, in the year of our Lord one thouſand ſeven hundred and ninety-five, and was then and there adjourned until the Monday then next. And whereas on Wedneſday the fourteenth day of January in the year aforeſaid, the Legiſlature adjourned to meet at the City-hall of the city of New-York on Tueſday the twentieth day of January in the year aforeſaid, ſo that the ſaid court was not held on the day to which it was adjourned as aforeſaid; by reaſon whereof all proceedings depending therein became diſcontinued. For remedy thereof,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame, That all proceedings whatſoever depending in the ſaid court at the time of the adjournment thereof as aforeſaid on the ſaid twelfth day of January in the year aforeſaid, ſhall be, and hereby are revived and continued, and adjourned to the firſt Monday next after the paſſing of this act.

CHAP. II.

An ACT *concerning Jurors for the trial of Iſſues in the City of New-York.*
Paſſed the 4th of February, 1795.

The mode of appointing juries for trials in courts held in the city of New-York, and ſummoning them.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame,* That the mayor, aldermen and commonalty of the city of New-York in Common Council convened, ſhall, on or before the firſt day of July next, cauſe the name of each perſon reſiding in the city and county of New-York, qualified to ſerve on juries, with his place of abode and addition to be written on a ſlip of paper or parchment, and the ſame ſlips of paper or parchment to be put into a box to be provided for the purpoſe. And that from and after the ſaid firſt day of July next, whenever any writ or proceſs ſhall be iſſued for ſummoning a jury for any trial to be had in the city and county of New-York, either in the Supreme court, or in any court of Oyer and Terminer and Gaol delivery, or circuit court or ſeſſions of the peace, or mayor's court, the ſheriff or officer to whom ſuch writ or proceſs ſhall be directed, ſhall immediately upon receiving the ſame, give notice thereof to the town clerk of the city of New-York, who ſhall thereupon draw out of the ſaid box as many of the ſaid ſlips of paper or parchment as ſhall be equal to the number of jurors to be ſummoned upon ſuch writ or proceſs. And if any perſon whoſe name ſhall be ſo drawn ſhall be dead, abſent from the city, or not qualified to ſerve as *as* a juror to the knowledge of the ſaid clerk, or be upon the pannel of the grand jury to be ſummoned at the ſame term or ſeſſion, he ſhall draw another or others until he ſhall have drawn a ſufficient number who are qualified, and ſhall then make a pannel of their names, with their places of abode and additions as the ſame are written on the ſame ſlips of paper or parchment, unleſs any of them ſhall have changed their places of reſidence to his knowledge, in which caſe he ſhall alter the ſame in the pannel agreeable to the truth, and deliver the ſame pannel to the ſaid ſheriff or officer, who ſhall annex the ſame pannel to the ſaid writ or proceſs and ſummon the perſons named therein as jurors thereon, and ſhall alſo annex a copy of the ſame pannel to all other proceſs he may receive for ſummoning juries for trials in the ſame court at the ſame term or ſeſſion, and return the ſame perſons as jurors thereon; but if the perſon named on any of the ſaid ſlips of paper ſo drawn ſhall be dead or not qualified to ſerve on juries to the knowledge of the ſaid clerk, he ſhall immediately deſtroy ſuch ſlip of paper or parchment, and when he ſhall have compleated ſuch pannel he ſhall put all the ſaid ſlips of paper or parchment containing the names of the jurors named in the ſaid pannel, and thoſe containing the names of ſuch as are abſent from the city or on the grand jury into another box to be provided for the purpoſe, and ſhall proceed in like manner upon every application for a jury, until all the ſaid ſlips of paper or parchment ſhall be drawn out of ſuch firſt box, and ſhall then in like manner upon the next application proceed to draw the names of the jury out of the other box, returning the ſlips of paper or parchment containing the names of the jury ſo drawn and of thoſe who ſhall be ab-

ſent or on the grand jury into the ſaid firſt box, and ſo on as occaſion ſhall require. And the ſaid clerk ſhall have for his ſervices in drawing every ſuch jury and making the pannel ſix ſhillings, to be paid to him by the ſheriff or other officer at whoſe requeſt it ſhall be done, and the ſheriff ſhall charge and be allowed what he pays to the ſaid clerk in his account againſt the people of this State. And ſuch other officer as ſhall at any time pay the ſame to the ſaid clerk ſhall charge it to the plaintiff in the cauſe in which he returns the jury.

And be it further enacted by the authority aforeſaid, That the Mayor, alderman and commonalty of the city of New-York, in Common Council convened, ſhall from time to time as occaſions require, and once in every year at leaſt, cauſe the name of each perſon reſiding in the city and county of New-York, and qualified to ſerve on juries, and not contained in either of the ſaid boxes, with his place of abode and addition, to be written on a like ſlip of paper, or parchment, and put into the box out of which the names of jurors are then to be drawn as aforeſaid. *Provided always,* that nothing in this act contained ſhall extend to any cauſe which is or ſhall be ordered to be tried by a ſtruck jury.

CHAP. III.

An ACT *to authorize the Commiſſioners of the Land-Office to grant certain Lands to Iſrael Spencer and others.*

Paſſed the 4th of February, 1795.

WHEREAS Iſrael Spencer and twenty nine others his aſſociates, to wit, Jotham Houghton, James Weſtcoat, Joſiah Chaſe, Iſaac Coller, John Thompſon, James Quackenbuſh, Joſeph Colver, John Mumford, John Siſſon, Joſeph Weſtcot, Jaſon Spencer, John Mead, John Tuthill, Daniel Seaver, Samuel Siſſon, George Mumford, Arnal Siſſon, Ephraim Wight, Wilder Rice, Ephraim Kitchum, Nicholas Kittle, Iſrael Spencer, junior, Jeſſe Spencer, Ezra T. Spencer, Jabez Dean, Eliſha Chamberlain, Charles Devenport, Amos Spencer and Andrew N. Kittle, have by petition repreſented to the Legiſlature that they incline to form a compact ſettlement on a part of the unappropriated tract of land herein after deſcribed:

Utility of ſettlement by aſſociations.

And Whereas ſettlements by aſſociations of huſbandmen has a tendency to promote good order, to enable the aſſociates to provide teachers for the inſtruction of their children, and is a mean to afford mutual aid to each other in their agricultural purſuits, Therefore:

Be it enacted by the People of the State of New York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame,

4800 acres to be granted to Iſrael Spencer and 29 others.

That it ſhall and may be lawful to and for the ſaid Iſrael Spencer, in behalf of himſelf and his aſſociates, to locate four thouſand eight hundred acres of land in one entire tract, part of the unappropriated land lying in the county of Otſego, and between the lands heretofore grant-

Situation of the lands and mode of granting them.

ed to Walter Franklin and others, and Alexander M'Kee and others, and ſhall cauſe the ſame to be ſurveyed at his and their proper expenſe by the Surveyor General of this State, or by ſuch deputy as he ſhall thereunto appoint; and that as ſoon as may be after ſuch ſurvey ſhall be compleated, the ſaid Surveyor General ſhall certify to the commiſſioners of the land office, the bounds of the tract ſo located and ſurveyed, ſpecifying the names of the perſons aſſociated with the ſaid Iſrael Spencer, and alſo the name or names of any perſon or perſons at preſent occupying any part of the lands ſo to be located, and the number of acres contained within the tract ſo located and ſurveyed; whereupon the ſaid commiſſioners of the land office, ſhall cauſe letters patent to be iſſued to the ſaid Iſrael Spencer and ſuch other perſons as ſhall be named in ſuch certificate, as tenants in common, in fee ſimple. *Provided always*, that before ſuch letters patent ſhall be iſſued, the ſaid Iſrael Spencer and his aſſociates, or ſome or one of them, ſhall pay into the Treaſury of this State, the ſum of one thouſand four hundred and forty pounds, in three equal payments, the firſt whereof ſhall be made on or before the expiration of one year from the date of ſuch certificate, as aforeſaid, and the reſidue in two equal annual payments thereafter, receipts of all which payments ſhall be exhibitted and filed in the office of the Secretary of this State, before the iſſuing of ſuch letters patent.

Proviſo 1440l to be paid previous to iſſuing letters patent.

CHAP. IV.

An ACT *directing the Paving certain Streets in the Village of Lanſingburgh, in the County of Renſſelaer.*

Paſſed the 10th of February, 1795.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That John D. Dickinſon, James Dole, Jonas Morgan, Annanias Platt, Nicholas Schuyler, John Keating and Benjamin Tibbits, or any four of them, be, and they hereby are appointed commiſſioners, with full power and authority from time to time and in ſuch manner as they ſhall judge moſt conducive to public convenience, to order and direct the pitching, leveling, forming and paving the roads or ſtreets hereafter mentioned, viz. That known by the name of King-ſtreet, in the village or town of Lanſingburgh, in the county of Renſſelaer, leading from what is commonly called South-ſtreet to Richard-ſtreet, in the town or village aforeſaid, alſo that commonly called North-ſtreet, leading from Queen-ſtreet to Water-ſtreet, alſo that commonly called Hoofick-ſtreet, leading from Queen-ſtreet to Water-ſtreet, all in the town or village aforeſaid; and that for the better effecting the ſame, the ſaid commiſſioners or any four of them, ſhall and may cauſe an eſtimate or eſtimates of the expence to be incurred in the premiſes, and a juſt and equitable aſſeſſment thereof, to be made among the owners or occupants of all the houſes and lots intended to be benefited by this regulation, in proportion as nearly as may be to the advantage they ſhall be deemed reſpectively to acquire thereby: And in order that the ſame may be impartially performed, the ſaid commiſſioners ſhall from time to time appoint, three ſufficient and diſintereſted freeholders for every ſuch purpoſe, who ſhall before they en-

Duties and powers of the Commiſſioners.

Aſſeſſments how to be made and when paid.

er upon the execution of their truſt, be duly ſworn before any juſtice of he peace of the ſaid county, to make the ſaid eſtimate or aſſeſſment fair- y and impartially according to the beſt of their ſkill and judgment, and a ertificate in writing of ſuch eſtimate and aſſeſſment being returned to the aid commiſſioners and ratified by them ſhall be binding and concluſive pon the owners or occupants of ſuch houſes and lots ſo to be aſſeſſed re- pectively, and ſuch owners and occupants reſpectively ſhall thereupon ecome and be liable and chargeable, and they are hereby required up- n demand, to pay to ſuch perſon or perſons as ſhall be authoriſed by the ommiſſioners by their order for that purpoſe to be made in writing to eceive the ſame, and in default of payment thereof, it ſhall and may be lawful to and for the ſaid commiſſioners or any four of them by warrant under their hands and ſeals, to cauſe the ſaid ſum or ſums of money ſo aſſeſſed to be levied by diſ- reſs and ſale of the goods and chattels of the owner or occupant of ſuch ouſe or lot ſo aſſeſſed, and neglecting or refuſing to pay the ſame, ren- ering the overplus money, if any there be, after deducting the ſum aſſeſſed nd the charge of diſtreſs and ſale, to ſuch owner or occupant, or his or her gal repreſentative.

efaulters to be reated.

Provided, That it ſhall be lawful to and for the ſaid com- miſſioners, or any four of them, to direct and eſtabliſh certain rates at which any labour performed or materials furniſhed by any ſuch owner or occupant for and to- ards the completing of ſuch pavement as ſhall be credited on the ſaid ſeſſment.

ixing the rates f labor and aterials.

And be it further enacted, That nothing in the preced- ing clauſe contained ſhall be conſtrued to affect any con- tract or agreement that hath been or ſhall be made be- ween any landlord and tenant reſpecting the payment of any ſuch charges r repairs, but that they ſhall be anſwerable to each other in like manner if this act had never been made, and that in caſe any money ſo from time to time to be aſſeſſed for the ſervice aforeſaid, ſhall be paid by any perſon when by agreement or by law the ſame ought to have been borne by ſome other perſon that then it ſhall and may be lawful to and for the perſon ſo paying the ſame, and he ſhall be and hereby is empowered and authorized to ſue for and recover the ſame with inte- reſt and coſts of ſuit in any court having cognizance ereof, as ſo much money paid for the uſe of the perſon for whom or r whoſe uſe the ſame ſhall have been paid.

ontracts not to affected.

erſons paying onies for the e of others to cover the ſame ith intereſt & oſt.

And be it further enacted, That if upon the completion of the pitching, leveling, forming and paving the above mentioned ſtreets or roads, it ſhall appear to the ſaid com- miſſioners, that a greater ſum of money has been bona fide expended in completing the ſame, than the ſum mentioned in the eſtimate ſo made as aforeſaid, and actually collected, it ſhall and ay be lawful to and for the ſaid commiſſioners or any four of them to uſe a further aſſeſſment to be made of the ſum which ſuch bona fide ex- enditures ſhall exceed the ſum ſo eſtimated and collected as aforeſaid, pon and among the owners and occupants of all the houſes and lots be-

further aſſeſſ- ent ſhall be ade in caſe of fficiency.

fore aſſeſſed as aforeſaid, and to cauſe the ſame to be collected in like manner as herein before directed, and that if the ſum actually expended ſhall be leſs than the ſum expreſſed in ſuch eſtimate and actually collected as aforeſaid, the ſurplus ſhall be forthwith rendered to the reſpective perſons from whom the ſame were ſo collected and received as aforeſaid, or his or her legal repreſentative.

Surplus, if any, to be repaid.

And be it further enacted, That in caſe any of the lots ſituate on any of the ſaid ſtreets, ſhall not be occupied or tenanted, or in caſe ſufficient goods and chattels to pay the ſum ſo to be aſſeſſed on any lot or lots on any of the ſaid ſtreets ſhall not be found, then and in every ſuch caſe it ſhall be the duty of the ſaid commiſſioners or any four of them, to cauſe an advertiſment to be printed for ſix weeks ſucceſſively in the public newſpapers to be printed by the printer to the State, and in one of the public newſpapers to be printed in Lanſingburgh aforeſaid, ſpecifying the number of ſaid lot or lots and the ſum or ſums ſo aſſeſſed upon them, and requiring the owners of ſuch lots to pay the ſaid ſum or ſums ſo aſſeſſed with the expence of ſuch advertiſements to the ſaid commiſſioners within nine months from the date thereof, and in caſe any of the ſaid ſums ſo aſſeſſed ſhall remain unpaid at the expiration of the ſaid nine months, then and in every ſuch caſe, the ſum ſo aſſeſſed with intereſt at the rate hereinafter mentioned ſhall be alien upon the lot upon which the ſame ſhall be ſo aſſeſſed as aforeſaid, and the ſaid commiſſioners or any four of them, ſhall permit any perſon who will pay the ſum ſo aſſeſſed on any ſuch lot with the ſaid charges, to take poſſeſſion thereof, and ſuch perſon, his heirs and aſſigns ſhall hold and occupy the ſame lot, and receive and take the rents and profits thereof to his and their own uſe, until the owner ſhall repay to him or them the ſum ſo paid, with intereſt for the ſame at the rate of ten per cent and the perſon ſo holding and occupying any of the ſaid lots ſhall not be anſwerable to the owner or owners thereof for any rents or profits thereof during the time he occupies the ſame, and ſhall have liberty at any time within thirty days after ſuch repayment as aforeſaid, to remove all the buildings and materials which he ſhe or they ſhall erect or place thereon.

Lots unoccupied, or without goods ſufficient to anſwer aſſeſſments how to be diſpoſed of to produce their reſpective aſſeſſments.

CHAP. V.

An ACT *for raiſing a ſum of Money for compleating the Gaol and Court-Houſe in the City and County of Albany.*

Paſſed the 10th of February, 1795.

WHEREAS the commiſſioners appointed by the act, entitled, "An act for building a Gaol and repairing the Court-Houſe in the city and county of Albany," have repreſented to the ſupervisors of the ſaid county, that an additional ſum of at leaſt five hundred pounds will be abſolutely requiſite to complete the ſame. *And whereas* the ſaid ſupervisors by their petition have prayed that a law might be paſſed for that purpoſe: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the supervisors of the city and county of Albany, and they are hereby authorised and required, to direct to be raised on the freeholders and inhabitants of the said city and county, the sum of five hundred pounds for completing the gaol and court-house of said county, with an additional sum of one shilling in the pound for collecting the same, which said sums shall be raised, levied and collected at the same time, and in like manner as the other necessary and contingent charges of the said city and county are levied and collected.

col. to be raised or completing he court-house gaol in Albany.

And be it further enacted, That the said sum of five hundred pounds, shall be collected and paid into the treasury of the said city and county, on or before the first Monday of February, which will be in the year of our Lord, one thousand seven hundred and ninety-six, and the treasurer of the said city and county is hereby required and directed out of the money aforesaid, to pay to the commissioners appointed by the act above recited or their order, the several sums of money to be by them drawn for, and is hereby made the duty of the said commissioners for the time being account with the supervisors of the said city and county for the monies be by them received and expended for the purpose aforesaid when thereto required.

he money to be aid by the collectors to the reasurer and by m to commissiners or order, ho are to account with the upervisors.

And be it further enacted, That it shall and may be lawful for the easurer of the said city and county of Albany, to retain in his own hands e sum of three pence in the pound for his trouble in receiving and paying out the monies arising and directed to be raised by this act.

CHAP. VI.

An ACT *further to continue the Treasurer of this State in office.*
Passed the 10th of February, 1795.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Gerard Bancker shall be and hereby continued in office as Treasurer of this State until sixty days after the ing of the Legislature at their next meeting after the first day of July hich will be in the year of our Lord one thousand seven hundred and ety-six.

And be it further enacted, That the said Gerard Bancker, if he shall e upon him the execution of the said office, shall on or before the st day of April next, appear before one of the justices of the Supreme urt of this State and take the following oath, viz. "I Gerard Bancker, appointed Treasurer of the State of New-York, do solemnly and sincerely swear and declare in the presence of Almighty God, that I will during my continuance in the said office, well faithfully and honestly to the best of my knowledge and ability, execute all and

" every of the duties appertaining to the said office, and that I will not
" any occasion or pretence apply any money securities or other effects
" which shall or may come to my hands belonging to the said State, to
" any private uses or purposes whatsoever, and that when my account
" as Treasurer shall be examined in manner directed by law, I will ex-
" hibit a true account of such monies, securities and other effects, under
" this my oath of office, So help me God."

And be it further enacted, That the Speaker of the Assembly for the time being, shall take a bond from the above named Gerard Bancker on or before the first day of April next, with not less than four sufficient sureties to the people of this State, in the sum of twenty thousand pounds lawful money of this State, with a condition, that the said Gerard Bancker shall and will well, faithfully and honestly, execute and perform the duties of the said office, which bond when so taken, shall be lodged in the Secretary's office of this State.

And be it further enacted, That if the said Gerard Bancker shall upon the expiration of the time for which by this act he is continued in office, procure and lodge in the office of the Secretary of this State, a certificate duly executed by the committee to be appointed for the settlement of the accounts of the said Gerard Bancker, expressing that his accounts as Treasurer are regularly stated and balanced, and also that the balance of monies, securities and other effects belonging to the State, if any there be, are actually in the treasury or deposited as directed by law; such certificate when lodged in the office of the Secretary of the State as aforesaid, shall be to all intents and purposes a discharge of the bond directed by this act to be given by the Treasurer, with sureties, for the faithful performance of the duties of his office as aforesaid.

CHAP. VII.

An ACT *for the Relief of the Heirs of Jeremiah Duggan, deceased.*

Passed the 24th of February, 1795.

WHEREAS Jeremiah Duggan, heretofore an inhabitant of Canajoharie left the same with his family when the army of the United States retreated therefrom, in the year one thousand seven hundred and seventy six, and obtained a commission of Major, and was in the actual service of the United States until his decease, his family then and now residing within this State, but probably by reason of his death, his name was not inserted in the list of refugees who subsequent to the time of taking refuge in this State, became by law entitled to bounty lands: Therefore,

Be it enacted, by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the commissioners of the land office, and they are hereby directed to cause letters patent to issue to James Duggan, the eldest son of the said Jeremiah Duggan, and an inhabitant of this State, and to his heirs and assigns, for five hundred acres of land, and to William Duggan, the second son of the said Jeremiah Duggan, also an inhabitant of this State, and to his heirs and assigns, for another five hundred acres of land, in the tract of land set apart for the use of the

f this State, lately ſerving in the army of the United States.

CHAP. VIII.

An ACT *to enable the Miniſter, Elders and Deacons, of the Reformed Proteſtant Dutch Church, of the City of New-York, to hold and enjoy an Eſtate of the yearly Value therein mentioned.*

Paſſed the 24th of February, 1795.

WHEREAS the Corporation of the Miniſter, Elders and Deacons, of the Reformed Proteſtant Dutch Church of the City of New-York, have by their petition ſtated to this Legiſlature, that the yearly ncome which they are enabled by law to hold and enjoy, is leſs than the xigencies of the ſaid Corporation require: Therefore,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, That the Miniſter, Elders and Deacons of the Reformed Proteſtant Dutch Church of the city of New-York, and their ſucceſſors, ſhall have full power, good right and lawful authority, to hold nd enjoy lands, tenements and hereditaments, goods and chattels, and to emiſe leaſe and improve the ſame, or any part thereof, for the benefit of he ſaid corporation: *Provided*, that the yearly income of ſuch real and erſonal eſtate, ſhall not exceed the ſum of three thouſand ſix hundred ounds, including the income they now hold and enjoy. *Provided ways*,

And be it further enacted, That one or more of the Deacons of the ſaid urch, ſhall triennially exhibit on oath to the Chancellor, or one of the ſtices of the Supreme court, an account and inventory of ſuch real and erſonal eſtate in ſuch manner as is preſcribed by law, with reſpect to other ligious denominations in this State.

CHAP. IX.

n ACT *relative to the Courts of Common Pleas and General Seſſions of the of the Peace, in and for the County of Dutcheſs.*

Paſſed the 24th of February, 1795.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That inſtead of the preſent terms of the courts of ommon Pleas and General Seſſions of the peace, in and for the county of utcheſs, the court of Common Pleas, in and for ſaid county, ſhall, from d after the firſt day of January next, be held on the ſecond Tueſday of nuary, the laſt Tueſday of March, the laſt Tueſday of June, and the ſeond Tueſday of October in every year, and that each of the ſaid terms y continue to be held until the ſeveral Saturdays next following inclue, and that the Court of General Seſſions of the peace, in and for the d county, ſhall from and after the firſt day of January next, be held on

the ſaid laſt Tueſday of March, and the ſaid ſecond Tueſday of October in every year, and may continue to be held until the ſeveral Saturdays next following, incluſive.

Provided always, That it ſhall be lawful for the Judges and Juſtices of the ſaid reſpective courts, when they conceive the due adminiſtration of Juſtice will admit thereof, to adjourn the ſaid courts reſpectively to the next ſucceeding term, on any day preceding the laſt day, to which the power of holding the ſaid courts is hereby extended as aforeſaid.

CHAP. X.

An ACT *to Incorporate the Truſtees of the Lanſingburgh Library.*

Paſſed the 24th of February, 1795.

WHEREAS John Van Renſſelaer, Jonas Coe, Nathaniel Williams, Silveſter Tiffany, Elijah Janes, William Bell, Eliſha Putnam, Hiram Hopkins, Benjamin Tibbits, John D. Dickenſon, John Wolcott, Shuball Gorham, Mathew Lyne, Annanias Platt, Joſeph Alexander, Levinus Lanſing, John Gaſton, Herculus Marriner, John Rockwell, Jonathan Burr, David Spalding, Cornelius Lanſing, Archibald Campbell, James Hickok, Lewis Beebee, Nicholas Schuyler, Thomas Rattoon, Wheeler Douglaſs, John Keating, Michael Henry, Aſhbell Root, Thomas Baſſell, Stephen W. Johnſon, William W. Wands, John Lovett, William Bradley, Beb. Redfield, Charles Selden, Jonas Morgan, Simeon Johnſon, Ezra Hickok, Abiel Bugbey, Thomas Turner, Zachariah Garnwrick, Joſeph D. Selden, Joſhua Burnham, William Sim, David Thompſon, James Reed, George R. Tennery, Samuel Stewart, Jacob A. Lanſing, Guert Van Schoonhoven, Haac Keeler, Joſeph Lockwood, John Hutchinſon, John Hazard, Hezekiah Ketcham, Matthew Gregory, Depuy Roſekrans, Joſeph Robbins, Flores Bancker, Mathew Perry, and George Tibbits, have by petition repreſent to the Legiſlature, that they have become ſubſcribers to, and have aſſociated for the purpoſe of eſtabliſhing a public Library in the village of Lanſingburgh; that the ſaid ſubſcribers have appointed John Van Renſſelaer, John D. Dickenſon, Charles Selden, Benjamin Tibbits, Elijah Janes, John Keating, William Bell, Silveſter Tiffany, Nicholas Schuyler, Nathanel Williams, Jonas Coe, and Guert Van Schoonhoven, truſtees for the ſaid Library, ſo to remain until the ſecond Monday in March next, with power among other things, to appoint a Treaſurer for the ſaid Library. That the Truſtees aforeſaid, purſuant to the power in them veſted by the ſaid ſubſcribers, have appointed William Bradley, Treaſurer of the ſaid Library; that each of the ſaid ſubſcribers have paid or ſecured to be paid to the ſaid Treaſurer, the ſum of thirty ſhillings for each right, ſuch ſubſcriber held therein, and that each of the ſaid ſubſcribers have by their aſſociation for the purpoſe aforeſaid agreed to pay to the Treaſurer of the ſaid Library, the further ſum of thirty ſhillings, on the firſt day of May laſt, and annually the further ſum of twenty ſhillings for each right, by them reſpectively held in the ſaid Library for the term of four years, to be computed from the firſt day of February

Reſpective ſhares

ne thousand seven hundred and ninety-four, and annually forever thereaf-
er, the sum of eight shillings for every such right, and thereupon the said
ubscribers, in and by their said petition, have prayed, that for promoting
he object of such association as aforesaid, the subscribers to the said Li-
rary might be incorporated on principles as nearly as might be correspon-
ent with their original association; a copy whereof accompanied the said
etition, therefore, in compliance with the prayer of the said petition,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the said John Van Rensselaer, Jonas Coe, Nathaniel Williams, Silvester Tiffany, Elijah Janes, William Bell, Elisha Putnam, Hiram Hopkins, Benjamin Tibbits, John D. Dickenson, John Wolcott, Shubal Gorham, Mathew Lyne, Annanias Platt, Joseph Alexander, Levinus Lansing, John Gaston, Herculus Marriner, John Rockwell, Jonathan Burr, David Spalding, Cornelius Lansing, Archibald Campbell, James Hickok, Lewis Beebe, Nicholas Schuyler, Thomas Rattoon, Wheeler Douglass, John Keating, Michael Henry, Ashbel Root, Thomas Bassell, Stephen W. Johnson, William W. Wands, John Lovett, William Bradley, Bela Redfield, Charles Selden, Jonas Morgan, Simeon Johnson, Ezra Hickok, Abiel Bugbey, Thomas Turner, Zachariah Garnwrick, Joseph D. Selden, Joshua Burnham, William Sim, David Thompson, James Reed, George F. Tennery, Samuel Stewart, Jacob A. Lansing, Guert Van Schoonhoven, Isaac Keeler, Joseph Lockwood, John Hutchinson, John Hazard, Hezekiah Ketchum, Mathew Gregory, Depuy Rosekrans, Joseph Robbins, Flores Banckar, Mathew Perry and George Tibbits, and such other persons as shall be hereafter admitted members of the Corporation hereby erected, be and hereby are ordained, constituted and declared to be one body, corporate and politic in fact, and in name, by the name of "the Trustees of the Lansingburgh Library," and by that name they and their successors shall, and may forever hereafter have perpetual succession, and shall and may by the same name, be persons capable in the law to sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and of what kind or nature soever, and that they and their successors may have a common seal and may change and alter the same at their pleasure, and also, that they and their successors by the name of "the Trustees of the Lansingburgh Library," shall be in law capable of purchasing holding and conveying any estate, real or personal, for the use of the said corporation: Provided, such real and personal estate at any one time held by the said trustees of the Lansingburgh Library, shall not exceed the annual value of five hundred dollars, exclusive of the books, and of the annual payments herein after mentioned, to be made by the members of the said corporation.

Trustees incorporated.

Their name and privileges.

Annual income not to exceed 500 dols.

And be it further enacted by the authority aforesaid, That for the better carrying into execution the purpose aforesaid, there shall forever hereafter, belong to the corporation of the trustees of the Lansingburgh library afore-

ſaid, twelve truſtees who ſhall conduct and manage the buſineſs of the ſaid Corporation library, in the manner herein after directed and appointed, and that the ſaid John Van Renſſelaer, John D. Dickenſon, Charles Selden, Benjamin Tibbits, Elijah Janes, John Keating, William Bell, Silveſter Tiffany, Nicholas Schuyler, Nathaniel Williams, Jonas Coe, and Guert Van Schoonhoven, be the preſent truſtees of the ſaid library, who ſhall remain in thoſe offices until the ſecond Monday in March next, and until others ſhall be choſen in their ſtead, that there ſhall forever hereafter be one Chairman of the ſaid Truſtees, one Treaſurer and one Librarian, to be elected and appointed in the manner herein after mentioned, and that it ſhall and may be lawful, to and for the ſaid Truſtees, in their diſcretion whenever they conceive it neceſſary, and for the intereſt of the ſaid Corporation, to appoint one, and the ſame perſon, both Treaſurer and Librarian, that the ſaid John Van Renſſelaer, be the preſent Chairman of the Truſtees of the ſaid Library, and that the ſaid William Bradley, be the preſent Treaſurer and Librarian of the ſaid Library.

A chairman, treaſurer, and librarian.

And be it further enacted by the authority aforeſaid, That on or before the firſt Monday in March next, the ſaid truſtees ſhall by lot be divided into two claſſes, each claſs to conſiſt of ſix of the ſaid Truſtees; that the offices of the firſt claſs of the ſaid Truſtees ſhall determine, on the ſecond Monday in March next, and the offices of the Truſtees of the ſecond claſs ſhall determine on the ſecond Monday in March, in the year of our Lord, one thouſand ſeven hundred and ninety-ſix, and that on the firſt Monday in March next, and on the firſt Monday in March in every year forever thereafter, there ſhall be a general meeting of the members of the ſaid Corporation, for the time being, at ſome convenient place in Lanſingburgh, to be from time to time aſcertained, and fixed by the bye laws of the ſaid Corporation, and that then and there by a plurality of votes of ſuch members as ſhall ſo meet, ſix Truſtees ſhall be elected by ballot, ſo that one half of the ſaid Truſtees ſhall be annually choſen: That any perſon holding more than one right in the ſaid Library, ſhall be entitled to one vote for each right he or ſhe ſhall hold in the ſame, that the Truſtees of the ſaid Library ſhall annually at their firſt meeting, on or after the ſecond Monday in March, in every year as aforeſaid, appoint one of the ſaid Truſtees their Chairman; that when and as often as any vacancy ſhall happen by the death, removal, reſignation or neglect to ſerve of any of the ſaid Truſtees, it ſhall be lawful for the Chairman of the ſaid Truſtees, or on his neglect or refuſal for any other three of the ſaid Truſtees, to ſummon a meeting of the members of the ſaid Corporation, at ſuch place in Lanſingburgh as ſhall have been fixed and aſcertained by the bye laws of the ſaid Corporation, for the purpoſe of electing another, or other perſon or perſons, inſtead of ſuch as ſhall ſo have died, removed, refuſed or neglected to ſerve as aforeſaid, and that ſuch perſon or perſons ſo to be choſen Truſtee or Truſtees, at ſuch meeting as laſt aforeſaid, ſhall reſpectively remain in office during ſuch time as the perſon in

Truſtees when to be divided into 2 claſſes.

One half of the truſtees to be annually choſen at a general meeting.

Each right to entitle to 1 vote.

Vacancies how to be filled up.

hoſe ſtead ſuch Truſtee ſhall be choſen would have done, in caſe ſuch death, removal refuſal or neglect had not happened and no longer; that in caſe of the death, removal, refuſal or neglect, to ſerve of the Chairman for the time being, it ſhall be lawful for the Truſtees of the ſaid Library, at any of their meetings, to appoint another Chairman, inſtead of removing, refuſing or neglecting to ſerve as aforeſaid, to remain in office until the firſt meeting of the ſaid Truſtees, on or after the ſecond Monday in March then next; that the Truſtees of the ſaid Library, ſhall at every ſuch annual general meeting of the members of the ſaid Corporation, exhibit to ſuch members a ſtate of the ſaid Library, the minutes of the proceedings of the Truſtees, during the year immediately preceding ſuch meeting, and the Treaſurer and Librarians accounts: Stating, the amount of receipts and expenditures during ſuch year.

On the death of the Chairman, how another is to be appointed.

The one dying, remain in office

Annual ſtate of the library and expenditures.

And be it further enacted by the authority aforeſaid, That the ſaid truſtees ſhall have ſtated meetings once in every quarter in every year at ſuch times as the ſaid truſtees ſhall from time to time appoint for that purpoſe; that the ſaid chairman or any three of the truſtees of the ſaid library for the time being ſhall and may from time to time as occaſion may require, ſummon and call together at ſuch place in Lanſingburgh as ſhall from time to time be appointed by the bye laws of the ſaid corporation, the truſtees of the ſaid library, giving them at leaſt two days notice of ſuch meeting; that the chairman and any ſix or more of the ſaid truſtees, and in the abſence of the chairman, any ſeven or more of the ſaid truſtees, ſhall form a board of truſtees, and that the chairman and the other of the ſaid truſtees ſo met, ſhall reſpectively have one vote in the proceedings of the ſaid truſtees; that any ſeven or more of the ſaid truſtees, or a majority of them ſo met, ſhall have full power and authority, to adjourn from day to day, or for ſuch other time as the buſineſs of the corporation may require; and from time to time, to appoint and at their pleaſure to diſplace a treaſurer and librarian of the ſaid library, and to appoint other or others in their ſtead and place; from time to time to aſcertain the compenſation to be allowed the treaſurer or librarian, or either of them, for their ſervice in their ſtation reſpectively, and from time to time to regulate and appoint to them the ſaid treaſurer and librarian or either of them, their reſpective powers, truſts and duties; to direct the application of the monies belonging to the ſaid corporation, to the purchaſe of ſuch books as they ſhall from time to time think proper, to the providing a room or houſe for the ſafe-keeping of the books of the ſaid library, and to tranſact, do, manage and perform in the name of the ſaid corporation, all and every act and acts, thing and things whatſoever, which ſhall be neceſſary to be done, and which the truſtees of the Lanſingburgh library aforeſaid are by virtue of this law authorized to do; and to make, frame, conſtitute, eſtabliſh and ordain from time to time, and at all times hereafter, ſuch laws, conſtitutions, ordinances and regulations, for the better

Truſtees to have quarterly meetings.

Truſtees a quorum.

Their powers as to adjournment.

As to the treaſurer and librarian.

Application of monies, &c.

To make laws, &c. And for what purpoſes,

government of the officers, members and ſervants of the ſaid corporation, for regulating the terms upon which the books of the ſaid library ſhall be lent out, both to the members of the ſaid corporation and others, for fixing and aſcertaining the times and places of quarterly meetings of the ſaid truſtees, for altering, fixing and aſcertaining the places of meeting of the members of the ſaid corporation, for the election of truſtees, for regulating the management and diſpoſition of the books of the ſaid library, and the monies, funds and effects belonging to the ſaid corporation, the transferring rights in the ſaid library from one perſon to another, and all other the buſineſs and affairs whatſoever of the ſaid corporation, as they or the major part of them ſo legally met ſhall judge beſt for the general good of the ſaid corporation, and for the more effectual promoting, increaſing and preſerving the ſaid library, and the ſame or any of them, to alter, amend or repeal from time to time as they or the major part of them ſo met ſhall think proper: *Provided*, ſuch laws, conſtitutions, regulations and ordinances be not repugnant to the laws of this State.

Rights aſſignable, &c. and aſſigneesbecome members.

And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for each and every of the members for the time being of the ſaid corporation, his and her executors adminiſtrators and aſſigns, to give, ſell, alien, aſſign, deviſe or diſpoſe of their reſpective rights in the ſaid library, and that their reſpective aſſigns ſhall be members of the ſaid corporation, and ſhall be entitled to all and every the ſame rights and privileges in the ſaid library and in the ſaid corporation as the members in this act named are entitled to by virtue of this act. *Provided always* that a part of a right in the ſaid library ſhall not entitle the propietor or owner thereof to any privilege whatſoever in the ſaid library or corporation.

Members of the corporation how to be encreaſed.

And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful at ſuch meeting of ſeven or more of the ſaid truſtees of the library for the time being, or for the major part of them ſo met, to make any bye-laws, conſtitutions or ordinances of the ſaid corporation to admit under the common ſeal of the ſaid corporation ſuch and ſo many perſons members of the ſaid corporation as they ſhall think beneficial to the ſaid library; which members ſo admitted ſhall be entitled to have hold and enjoy all and every of the ſame rights and privileges as the members herein particularly named are entitled to by virtue of this act.

Monies to be paid by the members for each right, and to whom, for 3 years.

And be it further enacted by the authority aforeſaid, That each and every of the members of the ſaid corporation for the time being ſhall, on or before the firſt day of May next, pay to the treaſurer of the ſaid library for the uſe of the ſaid corporation the ſum of twenty ſhillings for each right they reſpectively hold, and on or before the firſt day of February in every of the three next ſucceeding years, to be computed from the firſt day of February next, pay to the treaſurer of the ſaid library for the uſe of the ſaid corporation the further ſum of twenty ſhillings for each right ſuch members reſpectively hold in the ſaid library, and from and after the expiration of the ſaid three years the ſum of eight ſhillings for each right ſuch members reſpectively hold in the ſaid library, on or before the firſt day of February in every year for ever thereafter; and that in caſe

delinquents precluded from privileges, &c.

any of the said annual sums or any other sum which of right shall become due to the corporation from any of its members shall at any time or times hereafter be in arrear and unpaid by and for the space of forty days next after any of the days on which the same ought to have been paid, that then the person or persons from whom the same shall be due and payable, shall be precluded from exercising any of the privileges to which he became entitled by virtue of his being or becoming a member of the said corporation until such sums shall be fully satisfied; and if such payment shall not be made within two years after any such sums shall become due as aforesaid that, then, and after the expiration of two years from the time such payment shall become due, the person or persons from whom the same shall become due and payable, shall thereupon forfeit and be utterly excluded of all his, her or their rights and privileges in the said library and corporation.

Defect of elections how remedied.

And be it further enacted by the authority aforesaid, That in case it should so happen, that an election of trustees should not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day to hold and make an election of trustees in such manner as shall have been regulated by the laws and ordinances of the said corporation.

CHAP. XI.

An ACT *for taking a Census in this State.*

Passed the 3d of March, 1795.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same*, That the secretary of this State, shall forthwith cause returns to be printed in the forms of the schedules to this act annexed, and shall on or before the first day of May next, deliver or cause to be delivered to the clerk of the city and county of New-York, seven copies of the said returns according to the first of the said schedules, and seven copies of this act; and to the clerk of the city and county of Albany, three of such schedules and three copies of this act; and to the treasurer of the county of Albany; and to the treasurers respectively of the other counties in this State, other than the counties of, Ontario, Clinton and Onondago, three times as many of the said returns according to the second of the said schedules as there are cities and towns in their counties respectively, and a like number of copies of this act; and it is hereby made the duty of, and enjoined on, the said treasurers respectively, on or before the first day of May next, to deliver to the clerk of each of the towns within the county of which he is treasurer, and to the clerk of the city of Hudson, by the treasurer of the county of Columbia, the returns and acts intended for each town, and for the said city of Hudson.

The secretary's duty.

County treasurer's duty.

And be it further enacted by the authority aforesaid, That the supervisors of the city of Hudson, the assessors and clerk thereof, and the supervisors assessors and clerk of every town in this State, shall respectively convene on or before the first Monday in June next, at the office of the clerk of the said city or town (as the case may be) and they or such of them as shall so convene, shall by a majority of voices appoint one or more not exceeding three discreet and capable persons to take the census of the electors in the city or town for which they shall respectively be appointed, and in the manner hereinafter directed.

Supervisors, assessors and clerks in every town to appoint persons to take the census of the electors.

And be it further enacted by the authority aforesaid, That the mayor, aldermen and commonalty, in common council convened, of the cities of New-York and Albany respectively, shall on or before the first Tuesday in June next, appoint one or more not exceeding three discreet and capable persons in each of the wards of the said cities respectively, to take the census of the electors in the wards of the said cities for which they shall respectively be appointed, and in the manner hereinafter directed.

Persons in each ward in New-York and Albany, how appointd to take the census of the electors.

And whereas, there may not be a treasurer in either of the counties of Ontario, Clinton and Onondago, nor supervisors, assessors and clerks in each of the towns of the said counties:—Therefore,

Supposing no treasurers in Ontario, Clinton, and Onondago.

Be it further enacted by the authority aforesaid, That the Secretary of this state is hereby required to transmit to the sheriffs of the said counties respectively, such a number of the said returns, and copies of this act, as shall in his judgment be competent for the purposes by this act intended; and it shall be, and it is hereby made the duty of each of the said sheriffs respectively, either by himself, his deputies, or by deputies to be specially appointed for the purpose, to take the census in manner hereinafter directed, and shall assign to each deputy such parts of his county as he shall deem proper, requiring of each deputy to deliver the returns of the census taken, to him on or before the first day of December next; and the sheriffs respectively shall transmit such returns to the Secretary of this State, in like manner, on or before the time limited for transmitting such returns by the treasurers of the other counties.

Secretary to send certain returns to the sheriffs of said counties.

And be it further enacted by the authority aforesaid, That the person so to be appointed, in the city of Hudson and in the several towns within this State, and within the said counties of Ontario, Clinton, and Onondago, shall without delay take the number of all the electors residing in the said city, towns and counties respectively, and enter the same in the returns to be delivered them, by the clerk of the said city, and of the towns respectively, and by the sheriffs of the said counties in manner following, that is to say, in the first column, the name of the head of each family, in the second column, the whole number of male inhabitants in the same family, if any who are above the age of twenty one years, and are possess-

Duties of the persons appointed to take the census.

f freeholds within this ſtate, of the value of one hundred pounds, over nd above all debts charged thereon; in the third column, the whole num- er of male inhabitants in the ſame family, if any, who are above the age f twenty-one years, and are poſſeſſed of freeholds in the county in which he ſaid city or town is ſituated, of the value of twenty pounds; but no erſon ſhall be numbered in the third column, who has been numbered in he ſecond column; in the fourth column, the number of male inhabitants the ſame family, if any, not poſſeſſed of freeholds in the ſame county, nd who are citizens of this ſtate, and above the age of twenty-one years, nd who rent tenements of the yearly value of forty ſhillings; but no perſon ſhall be numbered in the fourth column, who has been numbered either in he ſecond or third columns; and when they have compleated the ſame, in he manner hereby directed, they ſhall each reſpectively ſubſcribe the return be by him made with his name, and certify the ſame to be a true return, the beſt of his knowledge and belief, and ſhall atteſt to the truth of ſuch rtificate, by oath or affirmation, before any juſtice of the peace, who hall certify ſuch atteſtation; and each perſon having taken ſuch cenſus, hall, on or before the firſt day of December next, deliver, or cauſe the ſame be delivered in manner following, to wit—thoſe taken in the counties of ntario, Clinton, and Onondaga, to the ſheriffs of the ſaid counties reſ- ectively; and thoſe taken in the city of Hudſon, and in the ſeveral towns f the other counties, to the clerk of the ſaid city and towns reſpectively; nd the clerks ſhall immediately thereafter deliver, or cauſe the ſame to be elivered, to the treaſurer of their counties reſpectively; and the ſaid ſheriffs nd treaſurers are hereby ſtrictly enjoined, carefully to encloſe the returns them ſeverally delivered, in one or more ſafe and convenient packages, nd place his ſeal on each package, and ſhall carry, or ſend by a ſpecial eſſenger, or ſome other ſafe perſon, who ſhall give a receipt for the ſame, ſuch returns to the ſecretary of this ſtate, on or before the tenth day of nuary next.

Returns of cenſus New-York, how le, by whom, and en.

And be it further enacted by the authority aforeſaid, That the returns of the cenſus taken in the city of New-York, ſhall, with reſpect to the four firſt columns, be taken and made in like manner as is directed with reſpect to the towns, nd in the fifth column ſhall be inſerted the number of male inhabitants in e ſame family, if any, who were freemen of the city of New-York on e fourteenth day of October, in the year of our Lord, one thouſand ven hundred and ſeventy-five; and no perſon ſhall be numbered in the h column, who has been numbered in either of the other columns; and e returns ſo compleated, certified, and atteſted to, in manner aforeſaid, all be delivered to the clerk of the ſaid city, on or before the firſt day of ecember next, and by the ſaid clerk delivered to the ſecretary of the ſtate, or before the tenth day of January next.

Returns of cenſus Albany, how made, whom, and to om.

And be it further enacted by the authority aforeſaid, That the returns of the cenſus taken in the city of Albany, ſhall, with reſpect to the four firſt columns, be taken and made in like manner as is directed with reſpect to the towns, and the fifth column ſhall be entered the number of male inhabitants in the ne family, if any, who were freemen of the city of Albany on the ventieth day of April, in the year of our Lord, one thouſand ſeven hun- ed and ſeventy-ſeven; and no perſon ſhall be numbered in the fifth co-

lumn, who has been numbered in either of the other columns; and the returns ſo compleated, certified, and atteſted to, in manner aforeſaid, ſhall be delivered to the clerk of the ſaid city, on or before the firſt day of December next, and immediately thereafter, by the ſaid clerk, to the treaſurer of the city and county of Albany, to be tranſmitted by the ſaid treaſurer, with the returns taken in the towns of the ſaid county.

The ſecretary's duty on receiving the returns.

And be it further enacted by the authority aforeſaid, That the ſecretary of this ſtate ſhall, without delay, after receiving the ſame returns, make, or cauſe to be made from the ſaid returns, a general account of the number of electors in each county of this ſtate, ſubſtituting in ſuch account, the names of the cities, wards, and towns in the firſt column, in the place of the names of the heads of families in the ſaid returns; and alſo a general account of the number of electors in this ſtate, ſubſtituting the names of the counties in the firſt column, in the place of the names of the cities, wards, and towns, in the ſaid firſt general accounts, and lay ſuch accounts before the Legiſlature, at their firſt meeting, after the firſt day of January next.

Perſons appointed to take the cenſus, to adminiſter oaths.

And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for any of the ſaid ſheriffs and deputy ſheriffs, and perſons appointed to take the cenſus, and each and every of them is hereby authorized to adminiſter an oath to, and examine any perſon on oath touching the premiſes, to enable them to make true returns as aforeſaid.

Delinquents fined 50l. and how recovered.

And be it further enacted by the authority aforeſaid, That if any mayor, alderman, aſſiſtant, ſupervifor, aſſeſſor, ſheriff or deputy ſheriff, or perſon appointed to take the cenſus, or county treaſurer, ſhall refuſe or neglect to perform what is required of him by this act, every perſon ſo refuſing or neglecting ſhall forfeit and pay to the people of the ſtate of New-York the ſum of fifty pounds, to be recovered, with coſts of ſuit, by the attorney general of the ſtate, by action of debt, bill, plaint, or information, in any court of record.

Certain perſons allowed a compenſation for their ſervices.

And be it further enacted by the authority aforeſaid, That the ſaid ſheriffs, deputy ſheriffs, perſons appointed to take the cenſus, and county treaſurer in each county, ſhall be allowed and paid for their ſervices ſuch ſum of money as the ſupervifors of the ſame county, or the major part of them, ſhall judge reaſonable, to be aſſeſſed, levied, and paid as part of the contingent charges of the ſame county; and in caſe the treaſurers of the counties of Montgomery, Waſhington, Tioga, Herkemer, and Otſego, and the ſheriffs of the counties of Clinton, Ontario, and Onondaga, or either of the ſaid treaſurers or ſheriffs, ſhall find it requiſite to forward the ſaid returns by any ſpecial meſſenger, ſuch ſpecial meſſenger ſhall be allowed at and after the rate of one ſhilling and ſix-pence per mile, the mileage to be computed from the reſidence of the treaſurer or ſheriff (as the caſe may be) to the city of New-York; and ſuch mileage ſhall be paid by the treaſurer of this ſtate, on the certificate of the ſecretary thereof.

Heads of families, giving a falſe account to the takers of the cenſus, to forfeit 10l.

And be it further enacted by the authority aforeſaid, That if any perſon, being the head of a family, ſhall make a return, or give an account, to any perſon authorized by this act to take the cenſus of the electors within this ſtate, of a greater or leſs number of perſons than belong to his or her family, as male freeholders poſſeſſing freeholds of the value of one hundred pounds, or

male freeholders poſſeſſing freeholds of the value of twenty pounds, or as male inhabitants renting tenements of the yearly value of forty ſhillings, or as freemen within the purview of this act of either of the cities of New-York or Albany; every perſon ſo offending, ſhall forfeit the ſum of ten pounds, to be recovered, with coſts of ſuit, before any juſtice of the peace, to and for the ſole uſe and benefit of any perſon who ſhall proſecute for the ſame; or if any perſon ſhall give an account of, or return himſelf to any perſon authorized by this act to take the cenſus of the electors within this ſtate, as a freeholder of either of the deſcriptions herein before ſpecified, or as an inhabitant renting a tenement of the yearly value of forty ſhillings, or as ſuch a freeman as aforeſaid, and ſhall not at the ſame time be ſuch a freeholder, inhabitant, or freeman, ſhall forfeit the ſum of ten pounds, to be recovered, with coſts of ſuit, before any juſtice of the peace, to and for the ſole uſe and benefit of any perſon who ſhall proſecute for the ſame.

FIRST SCHEDULE.

Return of Electors in the *Ward of the City of*

Heads of families.	Electors poſſeſſed of freeholds of the value of 100l.	Electors poſſeſſed of freeholds of the value of 20l. and under 100l.	Electors not poſſeſſed of freeholds, but who rent tenements of the yearly value of 40s.	Electors who were freemen on the day of 177

SECOND SCHEDULE.

Return of Electors in the Town of *in the County of*

Heads of families.	Electors poſſeſſed of freeholds of the value of 100l.	Electors poſſeſſed of freeholds of the value of 20l. and under 100l.	Electors not poſſeſſed of freeholds, but who rent tenements of the yearly value of 40s.

CHAP. XII.

An ACT *to enable the Mayor, Aldermen, and Commonalty of the City of New-York to order the raiſing Monies, by Tax, for the Maintenance of the Poor, and for defraying other Expences in the City and County of New-York.* Paſſed the 5th of March, 1795.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the mayor, aldermen, and commonalty of the city of New-York, or the major part of them, of whom the mayor or recorder to be one, ſhall be, and hereby are, fully authoriſed and empowered, as ſoon as conveniently may be after the firſt day of May next, to order the raiſing a ſum, not exceeding fourteen thouſand pounds, by a tax on the eſtates, real and perſonal, of the freeholders and inhabitants within the city and county of New-York, to be applied to the ſupport and maintenance of the poor of the ſaid city and county, and for pur-

Mayor, aldermen, &c. to raiſe 14,000l. by tax, for ſupport of the poor, &c. on the eſtates of perſons within the city and county of New-York.

chaſing further materials to build a new alms-houſe in the ſaid city; for making repairs and improvements in the goal and bridewell of the ſaid city, and ſubſiſting the criminals from time to time confined therein reſpectively; for the repairing and maintaining the public roads, and regulating and improving the ſtreets; and for paying the other contingent expences arising within, and properly chargeable to, the ſaid city and county.

And a further ſum of 6000l. for paying watchmen, repairing lamps, &c. on the eſtates of perſons to the ſouthward of a certain line.

And be it further enacted, That it ſhall and may be lawful for the mayor, aldermen, and commonalty aforeſaid, or the major part of them, of whom the mayor or recorder to be one, as ſoon as conveniently may be after the firſt day of May next, to order the raiſing a further ſum, not exceeding ſix thouſand pounds, by a tax on the eſtates, real and perſonal, of the freeholders and inhabitants within the ſaid city, on the ſouth ſide of a line beginning at the outlet of the meadow of Anthony Lispenard, into Hudſon's river, thence extending to and along the north ſide of the dwelling-houſe of Nicholas Bayard, thence to and along the north ſide of the dwelling-houſe of John R. Livingſton, and thence to and along the north-ſide of the dwelling-houſe of Abraham Cannon, to the eaſt-river, to be applied to the payment of ſo many watchmen as the mayor, aldermen, and commonalty of the ſaid city, in common council convened, ſhall from time to time, think neceſſary for guarding the ſaid city, and alſo the purchaſing oil, providing lamps, and repairing and attending the lamps which now are, and from time to time hereafter may be erected within the ſaid city, and alſo the making and repairing the pumps and wells in the ſaid city, and for the payment of ſuch other contingent charges of the ſaid city ariſing within the limits aforeſaid, and properly chargeable thereto, as the mayor, aldermen, and commonalty of the ſaid city, in common council convened, ſhall think neceſſary, and from time to time direct; which ſaid ſeveral ſums of money ſhall be rated and aſſeſſed according to the eſtate of ſuch reſpective perſon ſo to be taxed, and be collected in one payment, and paid into the hands of the treaſurer or chamberlain of the ſaid city, at ſuch time after the ſaid firſt day of May next, as the ſaid mayor, aldermen, and commonalty, or the major part of them, ſhall direct and appoint; any thing in the ſecond ſection of the ſtatute, entitled, "An act for the more effectual collection of taxes in the ſaid city and county of New-York," contained to the contrary notwithſtanding.

And be it further enacted, That it ſhall be lawful for the collectors of the fourth, ſixth, and ſeventh wards of the ſaid city, to retain in their hands the ſum of one ſhilling in the pound, and the collectors in the ſeveral other wards the ſum of nine-pence in the pound, and no more, for their trouble in collecting and paying to the treaſurer or chamberlain of the ſaid city ſuch ſums of money as ſhall be raiſed by virtue of this act, and that it ſhall and may be lawful for the ſaid treaſurer or chamberlain to detain in his hands the ſum of two pence in the pound, and no more, for his trouble in receiving and paying the ſaid monies.

CHAP. XIII.

An ACT *to raiſe a further Sum of Money to diſcharge the Arrears for rebuilding the Bridge over the Ramapough Creek, in Orange County.*

Paſſed the 5th of March, 1795.

WHEREAS, by an act, paſſed the 10th day of February, 1794, entitled, "An act for rebuilding the bridge over the Ramapough

creek, in Orange county, and for other purpoſes," the ſum of eighty pounds was raiſed of and from the freeholders and inhabitants of the towns of New-Hempſtead, Clarkſtown, and Haverſtraw, in the ſaid county, for rebuilding the ſaid bridge, which ſum is found to be inſufficient to complete the ſame; and whereas a number of the inhabitants of the ſaid towns, by their petition to the legiſlature, have prayed, that a further ſum of money may be raiſed to pay the arrears in rebuilding the ſaid bridge—Therefore,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, That the ſupervifors of the county of Orange, or a majority of them, at their next annual meeting, are hereby authorized and required to cauſe to be levied and collected, of and from the freeholders and inhabitants of the towns of New-Hempſtead, Clarkſtown, and Haverſtraw, in the ſaid county, a ſum, not exceeding the ſum of fifty-ſix pounds, ſix ſhillings; which money ſhall be paid into the hands of the treaſurer of the ſaid county on or before the firſt day of December next, in like manner as the other contingent charges of the ſaid county are raiſed, levied, and paid, together with the uſual fees for levying, collecting, and paying the ſame. And the ſaid treaſurer is required to pay the ſaid ſum of fifty-ſix pounds, ſix ſhillings, to the order of the ſupervifors of the ſaid towns, or a major part of them, to pay and diſcharge the ſaid arrears; and the ſaid ſupervifors ſhall account to the ſupervifors of the ſaid county, for a diſpoſition of the ſaid monies, when thereunto required.

CHAP. XIV.

An ACT *for apportioning the Poor of the late Town of Saratoga among the Towns therein mentioned, and for other Purpoſes.*

Paſſed the 5th of March, 1795.

WHEREAS no proviſion hath been made by law, ſince the diviſion of the late town of Saratoga, for apportioning the poor belonging to the ſaid town among ſuch parts thereof as have been erected into ſeparate towns—Therefore,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, That Stanton Tiffi, Philip Smith, Thomas Smith, John Bleecker, Elias Palmer, Cornelius Vandebergh, Jonathan Lawrence, Daniel Bull, and John B. Schuyler, be, and are hereby appointed commiſſioners for the purpoſe of apportioning the ſaid poor among the towns of Stillwater and Saratoga, in the county of Saratoga, and the town of Eaſtown, in the county of Waſhington, and for ſettling and adjuſting all the unſettled accounts of the ſaid towns, ſince the diviſion of the ſaid town of Saratoga, in ſuch manner as ſhall appear juſt and equitable to the ſaid commiſſioners, or to a majority of them.

And be it further enacted, That each of the ſaid towns ſhall, after the ſaid appointment, maintain ſuch poor as ſhall be allotted to it by the ſaid commiſſioners, or a majority of them.

And be it further enacted, That if, after the ſettlement of the accounts of the ſaid towns as aforeſaid, it ſhall be found, that either of the above-mentioned towns has not paid its proper proportion towards the maintenance of the poor, and that, by reaſon of ſuch deficiency, any of the ſaid towns has contributed more than its proportion, that then, and in ſuch caſe, it ſhall be the duty of the ſupervifors of the county of Saratoga, if the balance ſhall be due by any of the towns in the county of Saratoga, and of the ſupervi-

ſors of the county of Waſhington, if the balance ſhall be found due by the town of Eaſtown, in ſuch county, to cauſe to be raiſed, levied, and collected from the freeholders and inhabitants of the town by which the ſame ſhall be due, ſuch ſum or ſums of money as the ſaid commiſſioners, or a majority of them, ſhall certify to be due from one town to another, and that the ſaid ſum or ſums ſo collected as aforeſaid, ſhall be paid to the overſeers of the poor of the town ſpecified in the certificate of the ſaid commiſſioners, or a majority of them.

And be it further enacted, That the ſaid commiſſioners are hereby authorized and required to meet on the ſecond Tueſday of May next, at the houſe of Ezekiel Enſign, in the town of Stilwater, for the purpoſes aforeſaid.

And be it further enacted, That the time limited for the meeting of the overſeers of the poor, and the ſuperviſors of the towns of Saratoga, Milton, and Greenfield, for the purpoſe of dividing the poor of the ſaid towns of Milton and Saratoga, be, and is hereby prolonged until the third Tueſday of May next, and the overſeers of the poor and ſuperviſors are hereby required to meet at the houſe of Joel Reynolds, in the town of Greenfield aforeſaid, for the above purpoſe.

CHAP. XV.

An ACT *to alter the Bounds of the Towns of Charlton and Ballſton, in the County of Saratoga.*

Paſſed the 5th of March, 1795.

WHEREAS it hath been repreſented to the Legiſlature, that the preſent bounds of the towns of Charlton and Ballſton are inconvenient to the inhabitants reſiding in the ſaid reſpective towns—Therefore,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, That from and after the paſſing of this act, the town of Charlton ſhall be bounded as follows, to wit—beginning at the ſouth weſt corner of the town of Gallway, and running thence ſouth along the eaſt bounds of the county of Montgomery, to the north bounds of the county of Albany, thence eaſterly along the north bounds of the county of Albany, until a north line as the needle now points will ſtrike the ſouth weſt corner of the tract of land commonly called the five mile ſquare, thence northerly to the ſouth weſt corner of the ſaid five mile ſquare, thence along the weſt bounds of the ſaid five mile ſquare, to the ſouth bounds of the town of Milton, thence along the ſouth bounds of the ſaid towns of Milton and Gallway to the place of beginning.

CHAP. XVI.

An ACT *to divide the Towns of Whiteſtown and Paris, in the County of Herkemer.*

Paſſed the 5th of March, 1795.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That from and after the firſt Monday in April, one thouſand ſeven hundred and ninety-five, all that part of the towns of Whiteſtown and Paris, in the county of Herkemer, included in the following bounds, viz. beginning at the ſouth weſt corner of the ſaid county of Herkemer, and running thence along the ſouth bounds of ſaid county to the ſouth weſt corner of the townſhip number eight,

Certain parts of the towns of Whiteſtown and Paris, in Herkemer county, erected into a new town, by the name of Cazenovia.

being one of the twenty townſhips lately laid out and ſold by this ſtate, thence north along the diviſion line between the townſhips of number ſeven and eight, five and ſix, one and two, thence in the ſame direction to Wood creek, thence weſterly along the ſaid Wood creek and the ſoutherly ſide of Oneida lake, to the eaſt boundary line of the county of Onondaga, thence ſoutherly along the eaſt boundary line of the ſaid county of Onondaga, to the place of beginning, ſhall be, and hereby is erected into a ſeparate town by the name of Cazenovia; and the firſt town meeting of the ſaid town of Cazenovia ſhall be held at the dwelling-houſe of John Linclaen, in ſaid town.

First town meeting of ſaid town, where to be held.

And be it further enacted, That from and after the firſt Monday in April aforeſaid, all that part of the town of Paris aforeſaid, comprehending the ſecond, third, fourth, and fifth townſhips, being a part of the twenty townſhips as ſurveyed and laid out by the ſurveyor general of this ſtate, ſhall be, and hereby is erected into a ſeparate town, by the name of Hamilton; and that the firſt town-meeting of the ſaid town of Hamilton ſhall be held at the dwelling-houſe of Eliſha Paine, in ſaid town. And that all that part of the ſaid town of Paris, comprehending the eighth and ninth part of the ſaid twenty townſhips, as ſurveyed and laid out by the ſurveyor-general aforeſaid, ſhall be, and is hereby erected into a ſeparate town, by the name of Sherburne; and that the firſt town-meeting of the ſaid town of Sherburne ſhall be held at the dwelling-houſe of Timothy Hatch, in ſaid town. And that all that part of the ſaid town of Paris, comprehending a part of the ſeventeenth, together with the eighteenth and nineteenth of the aforeſaid twenty townſhips, ſhall be, and is hereby erected into a ſeparate town, by the name of Brookfield, and that the firſt town-meeting of the ſaid town of Brookfield ſhall be held at the dwelling-houſe of Daniel Brown, in ſaid town.—And that all that part of the ſaid town of Paris, comprehending the twentieth of the ſaid twenty townſhips, together with all that part of the ſaid town of Paris lying between the ſaid twentieth townſhip and the town of German Flatts, and ſouth of a line running due eaſt from the north eaſt corner of the ſaid twentieth townſhip to the ſaid town of German Flatts, ſhall be, and hereby is erected into a ſeparate town, by the name of Sangerfield; and that the firſt town-meeting of the ſaid town of Sangerfield ſhall be held at the dwelling-houſe of Zera Phelps, in ſaid town.

Certain parts of ſaid town of Paris erected into a new town, by the name of Hamilton and firſt town-meeting where to be held.

Certain other parts of ſaid town of Paris erected into a new town, by the name of Sherburne, and firſt town-meeting where to be held.

Certain other parts of ſaid town of Paris erected into a new town, by the name of Brookfield, and firſt town-meeting where to be held.

Certain other parts of ſaid town of Paris erected into a new town, by the name of Sangerfield, and firſt town-meeting where to be held.

And be further enacted, That the remaining parts of the reſpective towns of Paris and Whiteſtown ſhall be and remain ſeparate and diſtinct towns by the names of Paris and Whiteſtown reſpectively.

The remaining parts of Paris and Whiteſtown to retain their former names.

And be it further enacted, That the freeholders and inhabitants of each of the reſpective towns hereby erected, ſhall be, and hereby are empowered to hold town-meetings, and elect ſuch town-officers as the freeholders and inhabitants of any town in this ſtate may do by law; and that the freeholders and inhabitants of each of the ſaid towns

Freeholders and inhabitants of all ſaid towns to elect town-officers, and have the ſame privileges as other towns in this ſtate.

reſpectively, and the town-officers to be by them elected, ſhall have the like powers and privileges, and be ſubject to the like regulations and penalties as the freeholders, inhabitants, and town-officers of the other towns in this ſtate are entitled and ſubject to by law.

Supervisors of ſaid towns, and overſeers of the poor, to meet & apportion the poor among ſaid towns.

And be it further enacted, That as ſoon as may be after the firſt Tueſday of April next, the ſupervisors and overſeers of the poor of the towns aforeſaid ſhall, by notice to be given for that purpoſe by the ſupervisors of the towns aforeſaid, meet together, and apportion the poor maintained by the ſaid towns previous to the diviſion thereof, between the ſaid former towns and the town erected into a ſeparate town, in an equitable manner; and if the ſupervisors and overſeers of the poor cannot agree upon ſuch diviſion of the poor as aforeſaid, then, and in ſuch caſe, the ſupervisors of the county of Herkemer ſhall, at their next meeting, apportion and divide the poor maintained as aforeſaid, in ſuch manner as ſhall appear to them moſt juſt and equitable, and the ſaid towns thereafter reſpectively ſhall maintain their own poor.

CHAP. XVII.

An ACT *to amend an Act, entitled an Act relative to the Indians reſident within this State.*

Paſſed 5th of March, 1795.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame*, That it ſhall and may be lawful for the perſon adminiſtering the government of this State, either by himſelf or by ſuch agent or agents as he ſhall thereunto appoint, to make ſuch agreement and arrangements with the Indians of St. Regis, or with the repreſentatives of the ſaid Indians reſpecting their claims to any lands within this ſtate, or any part or parts thereof, as ſhall tend to enſure their good will and friendſhip to the people of the United States, and to extinguiſh any and every ſuch claim, and in ſuch manner as he or ſuch agents ſo to be appointed may think proper, but no ſuch agreement or arrangement by ſuch agents ſhall be valid unleſs ratified and confirmed by the perſon adminiſtering the government of this State; any thing in the act, entitled "an act relative to the Indians reſident within this State," paſſed the 27th of March 1794, to the contrary hereof notwithſtanding.

CHAP. XVIII.

An Act allowing an annual Salary to the Secretary of this State.

Paſſed the 10th of March, 1795.

WHEREAS it is deemed expedient that all permanent officers of government ſhould be ſupported and maintained in the ſame mode and upon the ſame principles, according to the magnitude of their truſt and importance:

AND WHEREAS the Secretary's office is now ſupported and maintained by perquiſites, a mode different from the other permanent offices: Therefore,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, That from and after the firſt day of July next, there ſhall be allowed and paid to the Secretary of this State, in lieu of all pe-

uiſites and allowances whatever made to him by any former acts of the Legiſlature, an annual ſalary at and after the rate of ſix hundred pounds, to be paid to him in quarterly payments, in like manner as the ſalaries of the ſeveral officers of government are directed to be paid in and by the act, entitled "An act for the upport of government," paſſed the 11th day of April in the year of our ord one thouſand ſeven hundred and ninety-two, and alſo the amount of e neceſſary expenſes of his office, provided they do not exceed in any one ear the ſum of five hundred pounds, to be allowed in the ſame manner as e expenſes of the office of the Treaſurer of this State for the time being e directed to be allowed in and by the aforeſaid act; and to be paid by the id Treaſurer to the ſaid Secretary; and in addition thereto the ſaid Secretary ſhall be entitled to the uſe and occupation of the houſe now in his poſſeſſion, the property of which is veſted in the people of this State, in the ſame manner as he has heretofore uſed and poſſeſſed the ſame.

n annual ſalary of ol. allowed to the retary of this ſtate lieu of perquiſites.

he uſe and occuation of a certain uſe now in his ſſeſſion.

And be it further enacted, That the ſaid Secretary ſhall continue to receive all ſuch fees as he is or ſhall from time to time be by law permitted to take, and ſhall keep an account thereof, and ſhall exhibit ſuch account quarterly to the Auditor of his State, who having examined and filed the ſame in his office, ſhall certify to the Treaſurer the amount thereof, and the ſaid Secretary ſhall pay e ſame to the Treaſurer. *Provided nevertheleſs*, That no fee ſhall hereafter be charged or taken for any civil or military commiſſion whatever.

o continue to reive the uſual office es.

AND WHEREAS the houſe now occupied by the Secretary of this State out of repair: Therefore,

Be it further enacted, That there ſhall be paid by the Treaſurer of this tate, out of any monies in the Treaſury not otherwiſe appropriated, to the id Secretary, a ſum not exceeding three hundred pounds, to be by him xpended in repairing ſaid houſe in ſuch manner as he ſhall think neceſſary or its preſervation, and that he ſhall account for the ſame with the Auditor f this State.

CHAP. XIX.

An ACT *for dividing the Town of Renſſelaerville, in the County of Albany.* Paſſed the 17th of March, 1795.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That from and after the Monday preceding the firſt Tueſday of April next, all that part of the town of Renſſelaerville, in the ounty of Albany, beginning at the north weſt corner of the manor of Renſſelaerwyck, and running thence along the weſt bounds of the ſaid anor ſoutherly to the north-weſt corner of lot number three hundred and orty-nine, then eaſterly along the tier of lots to the north eaſt corner of ot number three hundred and ſeventy-two, then northerly to the northaſt corner of lot number eight hundred and thirty-two, then with a raight line till a courſe north twenty ſix degrees weſt, interſects the Boza Kill, then along the ſaid kill or creek north weſterly as it runs to where the aid manor line interſects the ſame, then weſterly along the northerly bounds f ſaid manor to the place of beginning, ſhall be and hereby is erected into ſeparate town by the name of Bern; and that the firſt town meeting in

the ſaid town of Bern, ſhall be held at the dwelling-houſe of Johannis Fiſher, in the ſaid town.

And be it further enacted, That all the remaining part of the town of Renſſelaerville, ſhall continue to be and remain a ſeparate town by the name of Renſſelaerville, and that the firſt town meeting in the ſaid town, ſhall be held at the dwelling-houſe of David Crocker, eſquire, in the ſaid town.

And be it further enacted, That the freeholders and inhabitants of the ſaid towns reſpectively, ſhall be, and hereby are empowered, to hold town meetings and elect ſuch town officers, and enjoy all the privileges that the freeholders and inhabitants of the other towns of this State may do by law.

And be it further enacted, That as ſoon as may be after the firſt Tueſday of April next, the ſuperviſors and overſeers of the poor of the towns aforeſaid ſhall, by notice to be given for that purpoſe, by the ſupervifors of the towns aforeſaid, meet together and apportion the poor maintained previous to the diviſion thereof between the ſaid towns, in an equitable manner; and if the ſupervifors and overſeers of the poor cannot agree upon ſuch diviſion of the poor as aforeſaid, then in ſuch caſe, the ſupervifors of the county of Albany, ſhall at their next meeting, apportion and divide the poor maintained as aforeſaid, in ſuch manner as ſhall appear to them juſt and equitable; and the ſaid towns thereafter reſpectively ſhall maintain their own poor.

CHAP. XX.

An Act to divide the Town of Renſſelaerwyck, in the County of Renſſelaer.

Paſſed the 17th of March, 1795.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That all that part of the town of Renſſelaerwyck bounded as follows: beginning at the ſouth weſt corner of the town of Troy, and running thence eaſterly along the ſouthern boundary line of the ſaid town, to the weſtern bounds of the town of Peterſburgh, thence ſoutherly along the weſtern bounds of the towns of Peterſburgh and Stephen town, ſix hundred and thirty-two chains, thence ſouth eighty-ſix degrees and forty eight minutes weſt, as the needle now points unto Hudſon river, thence northerly along the ſaid river, to the place of beginning, and including ſuch of the iſlands in the ſaid river as are neareſt the eaſt ſide thereof and are adjacent to the ſaid laſt mentioned line, ſhall, from and after the firſt Monday in April next, be erected into a ſeparate town, by the name of Greenbuſh; and that the firſt town meeting in Greenbuſh, ſhall be held at the dwelling-houſe of David M. de Foreſt in the ſaid town; and that all the remaining part of the town of Renſſelaerwyck ſhall be, and remain a ſeparate town by the name of Schodack; and that the firſt town meeting in the town of Schodack, ſhall be held at the dwelling-houſe of John I. Miller in the ſaid town.

And be it further enacted, That the freeholders and inhabitants of the ſaid towns reſpectively, ſhall be, and hereby are empowered to hold town meetings, and elect ſuch town officers, and enjoy all the privileges that the freeholders and inhabitants of the other towns of this State may do by law.

And be it further enacted, That as ſoon as may be after the firſt Tueſday of April next, the ſupervifors and overſeers of the poor of the towns aforeſaid ſhall, by notice to be given for that purpoſe, by the ſupervifors of the ſaid towns, meet together and apportion the poor maintained by the ſaid town

Renſſelaerwyck, previous to the diviſion thereof, between the ſaid town of Schodack, and the town of Greenbuſh, in an equitable manner; and if the ſupervifors and overſeers of the poor cannot agree upon ſuch diviſion of the poor as aforeſaid, then and in ſuch caſe the ſupervifors of the county ſhall at their next meeting apportion and divide the poor maintained as aforeſaid, in ſuch manner as ſhall appear to them, or a majority of them, juſt and equitable; and the ſaid towns ſhall thereafter reſpectively maintain their own poor.

CHAP. XXI.

An ACT *to divide Fredericks-town and South East Town, in Dutcheſs County, into four Towns.*

Paſſed 17th of March, 1795.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That all that part of Fredericks-town, lying weſt of the eaſt line of Philips's long lot, and ſouth of a line to begin at a point in the weſt bounds of Fredericks-town, ſix miles from the north bounds of the county of Weſt Cheſter, and running north eighty-ſeven degrees and thirty minutes eaſt, to the ſtate of Connecticut, ſhall be erected into a ſeparate town, by the name of Carmel, and the firſt town meeting in the ſaid town of Carmel, ſhall be held at the dwelling houſe of John Crane, eſquire, in ſaid town. That all thoſe parts of Fredericks-town and South eaſt town, lying eaſt of the ſaid eaſt line of Philip's long lot, and ſouth of the above mentioned line, beginning at a point in the weſt bounds of ſaid Fredericks-town, ſix miles from the north bounds of the county of Weſt Cheſter, and running north eighty ſeven degrees, and thirty minutes eaſt, and continued to the ſtate of Connecticut, ſhall be erected into a ſeparate town, by the name of South-Eaſt; and the firſt town meeting in the ſaid town of South-Eaſt, ſhall be held at the dwelling-houſe of Zalman Sanford in the ſaid town; that all thoſe parts of Fredericks-town and South eaſt town, lying eaſt of the ſaid eaſt line of Philips's long lot, and north of the above mentioned line, beginning at a point in the weſt bounds of ſaid Fredericks-town, ſix miles from the north bounds of the county of Weſt Cheſter, and running north eighty-ſeven degrees, and thirty minutes eaſt, and continued to the ſtate of Connecticut, ſhall be erected into a ſeparate town, by the name of Franklin; and the firſt town meeting in the ſaid town of Franklin, ſhall be held at the dwelling-houſe of James Philips, in the ſaid town; and that all the remaining part of Fredericks-town, ſhall remain and continue a ſeparate town, by the name of Frederick; and the firſt town meeting in the ſaid town of Frederick, ſhall be held at the dwelling houſe of the widow Boyd, in the ſaid town.

And be it further enacted, That the towns herein before mentioned to be divided, ſhall be conſidered as divided from and after the firſt Monday in April next, and that the freeholders and inhabitants of the ſaid towns reſpectively, ſhall be, and hereby are empowered to hold town meetings, and elect ſuch town officers as the freeholders and inhabitants of the other towns of this ſtate elect by a law, entitled, "An act for dividing the counties of this ſtate into towns, paſſed 7th March, 1788;" and that the town officers to be by them elected, ſhall have the like powers and privileges, as the freeholders and inhabitants, and town officers of any other town in this ſtate, may exerciſe by the law aforeſaid.

And be it further enacted, That as ſoon as may be after the firſt Tueſday

of April next, the ſupervisors and overſeers of the poor of the towns aforeſaid, ſhall, by notice to be given for that purpoſe by the ſupervisors of the towns aforeſaid, meet together and apportion the poor maintained by the ſaid towns previous to the diviſion thereof, between the ſaid former towns and the towns erected by this act into ſeparate towns in an equitable manner; and if the ſupervisors and overſeers of the poor cannot agree upon ſuch diviſion of the poor as aforeſaid, then and in ſuch caſe the ſupervisors of the county ſhall, at their next meeting, apportion and divide the poor maintained as aforeſaid, in ſuch manner as ſhall appear to them moſt juſt and equitable, and the ſaid towns ſhall thereafter reſpectively maintain their own poor.

CHAP. XXII.

An ACT *for erecting a Part of the Towns of Canaan and Kinderhook, in the County of Columbia, into a new Town.*

Paſſed 17th of March, 1795.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That from and after the firſt Monday in April next, all thoſe parts of the towns of Canaan and Kinderhook, in the county of Columbia, ſituate within the following bounds; beginning at a point where the ſouthern boundary line of the county of Renſſelaer intersects the Latches Vlackie creek, and running thence ſoutherly through the middle of the ſaid creek, to the little lake; thence ſoutherly in a direct line through the great fiſh lake to the Gardiner point, at the ſouth end of ſaid lake; thence ſoutherly in a direct line to the bridge on the Kline Kill creek, a little eaſt of the houſe of Cornelius Van Schaack; thence ſoutherly along the ſaid creek to the ſouthernmoſt point of the great bend oppoſite the houſe formerly belonging to Myndert Voſburg, deceaſed; thence ſoutherly in a direct line towards the houſe of Harman Hoffman, until it interſects the northern boundary line of the town of Claverack, thence eaſterly along the northern boundary line of the town of Clavarack, unto the northeaſt corner thereof; thence eaſterly along the northern boundary line of the town of Hillsdale three miles; and from thence northerly in a direct line to the ſouthern boundary line of the county of Renſſelaer, to a point three miles eaſt from the north eaſt corner of the preſent town of Kinderhook; thence weſterly along the ſaid ſouthern boundary line of the county of Renſſelaer to the place of beginning, ſhall be, and the ſame is hereby erected into a new town by the name of Chatham.

And be it further enacted, That the firſt town meeting in the ſaid town ſhall be held at the houſe of Ebenezer Crocker. And that the freeholders and inhabitants of the ſaid town, ſhall be and hereby are empowered to hold town meetings, and elect ſuch town officers as the freeholders and inhabitants of any town in this ſtate may do by law; and that the freeholders and inhabitants of the ſaid town, and the town officers to be by them elected, ſhall have the like powers and privileges, and be ſubject to the like regulations and penalties, as the freeholders and inhabitants and town officers of the other towns of this ſtate are entitled and ſubject to by law.

And be it further enacted, That the poor belonging to the ſaid towns of Kinderhook and Canaan previous to this diviſion, ſhall be divided among the ſaid towns of Kinderhook, Canaan and Chatham, in proportion to the wealth of the inhabitants of the ſaid towns reſpectively, to be eſtimated

the laſt annual tax liſts; and the overſeers of the poor, and the ſupervisors of the ſaid towns, or a majority of them, ſhall meet within ten days after the annual town meeting, for the year one thouſand ſeven hundred and ninety-five, at the dwelling-houſe of Ebenezer Crocker, in the ſaid town of Chatham, and make ſach diviſion aforeſaid; and the ſaid towns reſpectively ſhall thereafter maintain their reſpective poor.

And be it further enacted, That the contingent charges and the expence of the towns, that have already ariſen, or ſhall ariſe before the firſt Monday in April next, ſhall be aſſeſſed, levied and paid in the ſame manner as if this act had not been paſſed.

And be it further enacted, That none of the bounds or lines by this act aſſigned for the limits of any or either of the ſaid towns, ſhall be deemed to take away, abridge, deſtroy or affect the right or title of any perſon or perſons, bodies politic or corporate, in any manner or by any means whatſoever.

CHAP. XXIII.

An ACT *for adding an additional Term of the Court of Common Pleas for the County of Ontario, and for other Purpoſes therein mentioned.*

Paſſed 17th of March, 1795.

WHEREAS in and by an act, entitled, "An act to erect a part of the county of Montgomery into a ſeparate county, by the name of Ontario," it is enacted, that there ſhall be held in and for the ſaid county, a court of general ſeſſions of the peace, and a court of common pleas at ſuch ſuitable and convenient place within the ſaid county, as ſuch judges of the court of common pleas, and ſuch juſtices of the court of ſeſſions, as ſhall be appointed for the ſaid county, or a majority of them, may direct. *And alſo*, that there ſhall be two terms of the ſaid courts held in and for the ſaid county.

And whereas it is found, that two terms of the court of common pleas, are not ſufficient for diſpatching the buſineſs of the ſaid county;—Therefore,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, That there ſhall be an additional term of the court of common pleas held in and for the county of Ontario, on the third Tueſday in February in every year; and that the ſaid court may continue and be held until the next Saturday following, incluſive; Provided that the ſaid court may adjourn previous to the time limited for the termination thereof, if the buſineſs of the ſaid court will permit.

And whereas it is repreſented to the legiſlature, that the inhabitants of the ſaid county have built a court-houſe in the town of Canadaquai, for the holding of the courts of the ſaid county:—Therefore,

Be it further enacted, That the ſaid courts of general ſeſſions of the peace, and courts of common pleas, hereafter to be held in and for the ſaid county of Ontario, ſhall be held at the ſaid court-houſe in the town of Canadaquai aforeſaid; and that all writs and other proceſs already iſſued or to be iſſued previous to the firſt Tueſday in June next, and returnable on the ſaid firſt Tueſday in June in the ſaid court, be returned at the ſaid court-houſe in the town of Canadaquai as aforeſaid; and that no proceedings of the ſaid court ſhall be affected or diſcontinued by the removal of the ſaid courts from the place where the ſame are now held to the court-houſe aforeſaid.

CHAP. XXIV.

An ACT *declaring the Place from which Mileage Fees, in the County of Tioga, ſhall be computed.*

Paſſed 17th of March, 1795.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the ſheriff of the county of Tioga ſhall, from and after the firſt day of May next, compute and receive mileage fees from the bridge commonly called the Nanticoke bridge, in the town of Union, in the ſaid county of Tioga, and from no other place.

CHAP. XXV.

An ACT *for the Relief of the Proteſtant Epiſcopal Church in the State of New-York.*

Paſſed the 17th of March, 1795.

WHEREAS the Proteſtant Epiſcopal church in this ſtate, by the petition of the ſtanding committee of its convention, hath repreſented that the act entitled, "An act to enable all the religious denominations in this ſtate, to appoint truſtees who ſhall be a body corporate for the purpoſe of taking care of the temporalities of their reſpective congregations, and for other purpoſes therein mentioned," paſſed 6th April, 1784, directs a mode of incorporation which expoſes it to a variety of difficulties, leaving the congregations not incorporated by charter, to the alternative of foregoing the benefit of incorporation, or ſubmitting to an entire alteration and ſubverſion of the uſual and peculiar government of the reſpective congregations of ſaid church: For remedy whereof,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, That from and after the paſſing of this act, it ſhall and may be lawful to and for the male adult perſons of any congregation or church in communion of the Proteſtant Epiſcopal church in the ſtate of New-York, at any time to meet, for the purpoſe of incorporating themſelves under this act; and for that purpoſe, by a majority of voices to elect and chooſe two church wardens and eight veſtry-men; and alſo to determine what day in the week, called Eaſter-week, the ſaid offices of church wardens and veſtry-men ſhall yearly for ever thereafter ceaſe; and their ſucceſſors in office be elected and choſen; and alſo what ſhall be the name, ſtile or title by which their church or congregation ſhall thereafter be known and recognized by law; and notice ſhall be given in the time of morning ſervice on two Sundays previous to ſaid election, by the rector or any other perſon; and that the rector, if there be one, or if the church or congregation have no rector, or he be neceſſarily abſent, then one of the church-wardens or veſtry men or truſtees, or any other perſon called to the chair, ſhall preſide at ſuch firſt election, and together with two other perſons, ſhall make a certificate under their hands and ſeals, of the church-wardens and veſtry-men ſo elected, of the day of Eaſter-week ſo fixed on for the yearly election of their ſucceſſors, and of the name, ſtile or title by which the ſaid church or congregation ſhall be in law recognized and known; which certificate, after having been duly proven or acknowledged, by the perſons making the ſame, before one of the judges of the court of common pleas in the

Male adults of any proteſtant epiſcopal congregation.

How to chuſe church officers, when and how many.

Certificate of the choice of church officers, & the church's name, how to be made.

county, shall be forthwith left at the office of the clerk of the county for the time being, to be by him recorded in the book kept by him for the records of the incorporation of religious denominations, as ordered by the act for that purpose, passed 6th April, 1784, for which service a fee of six shillings may be taken, and no more.

The church vestry to be a body corporate.

And be it further enacted, That the church-wardens and vestry-men, and their successors, so elected and chosen, from year to year, shall of themselves, but if they have a rector, then together with the rector, shall form a vestry, which vestry shall be to all intents and purposes, a body corporate, and enjoy and exercise all the powers, rights and privileges granted to the trustees, by the fourth, fifth and sixth sections of the act, entitled, "An act to enable all the religious denominations in this state, to appoint trustees who shall be a body corporate for the purpose of taking care of the temporalities of their respective congregations, and for other purposes therein mentioned; but no board of vestry shall be competent to transact any business, unless the rector for the time being, if the church or congregation has one, and at least one of the church wardens, and a majority of the vestry-men be present.

Who are to constitute a board of vestry.

How vacancies in the vestry are to be supplied.

And be it further enacted, That whenever there shall be any vacancy or vacancies in the said vestry, by death or otherwise, notice shall be given in the time of divine service, at least ten days before the day of election, which the vestry shall have appointed, for supplying the said vacancy or vacancies, and such election, and also the stated annual elections in easter week, shall be holden immediately after morning service; and at all such elections the rector, or in want or absence of the rector, one of the church-wardens or vestry-men shall preside, and receive the votes of the electors, and be the returning officer, and shall enter the proceedings in the book of minutes of the vestry, and sign his name thereto, and offer the said proceedings to as many of the electors present, as he thinks fit to be by them signed and certified.

Qualification of electors.

And be it further enacted, That the persons qualified to vote at all such elections, shall be all such male adult persons, as shall have belonged to such church or congregation, for the last twelve months at least preceding such election. *Provided always*, that they shall have been baptized in the Episcopal church, or shall have been received into the said church, either by the right of confirmation, or by receiving the holy communion, or by purchasing, or hireing a pew or seat in said church, or by some other joint act of the parties, and of the rector, whereby they shall have attached themselves to the Protestant Episcopal church.

Wardens and vestry-men annually chosen, hold their offices 'till others are chosen in their places.

And be it further enacted, That the church-wardens and vestry-men, to be annually elected by virtue of this act, shall hold their offices from the time of their election, for one year, and until others shall be duly chosen in their respective places; and that every church-warden and vestry-man chosen to fill any vacancy, happening between the annual elections, shall hold his office from the time of his election, until the next annual election, and until another shall be chosen in his place.

And be it further enacted, That no board of vestry shall be holden, unless after three days notice under the hand of the rector, or any one of the church-wardens; and at all such meetings of the vestry, the rector shall

preſide and have the caſting vote; or in caſe the church or congregation have no rector, then the church-warden preſent; or if both the church-wardens be preſent, then the church-warden who ſhall be called to the chair by a majority of voices.

Church wardens and veſtry empowered to call and induct a rector.

And be it further enacted, That the church-wardens and veſtry-men for the time being, of every ſuch congregation, or a majority of them, ſhall be, and hereby are veſted with full power to call and induct a rector to the church, when and as often as there ſhall be any vacancy therein.

And be it further enacted, That the twelfth and thirteenth ſections of the before-mentioned act, paſſed April 6th, 1784, ſhall be as binding on the veſtries of the reſpective churches or congregations incorporated by this act, as upon the truſtees incorporated by it.

Rights of conſcience ſecured.

And be it further enacted, That nothing in this act contained, ſhall be conſtrued, adjudged or taken to abridge or affect the rights of conſcience or private judgment, or in the leaſt to alter or change or interfere with the religious conſtitutions or governments of any churches or congregations whatſoever, ſo far as reſpects or in any wiſe concerns their doctrine, diſcipline or worſhip.

CHAP. XXVI.

An ACT *to raiſe a Sum of Money for defraying the Expence incurred in building the Court-Houſe and Goal in the County of Herkemer.*

Paſſed the 24th of March, 1795.

WHEREAS the ſuperviſors of the county of Herkemer have, by their petition, requeſted the Legiſlature to paſs a law to enable the ſupervisors of ſaid county to raiſe and levy on the freeholders and inhabitants of the ſaid county, a further ſum of money for the purpoſe of defraying the expences which have already accrued in the building of the court-houſe and goal of ſaid county: Therefore,

Be it enacted by the People of the State of New-York, repreſentd in Senate and Aſſembly, That it ſhall and may be lawful to and for the ſupervisors of the county of Herkemer, or a majority of them, to meet at the court-houſe in ſaid county on the laſt Tueſday in May next, or within thirty days thereafter, and examine and aſcertain what ſum of money has been already expended in purchaſing materials for and towards building the court-houſe and goal in ſaid county, by the commiſſioners heretofore appointed for that purpoſe, and if, upon examination of the accounts of ſaid commiſſioners relative to the ſaid court-houſe and goal, it ſhall appear to the ſupervisors or a majority of them, that more money has already been actually expended by the ſaid commiſſioners towards the object aforeſaid, than the ſum heretofore directed by law to be raiſed by tax on ſaid county, then the ſaid ſupervisors ſhall audit and allow the balance on the accounts of ſaid commiſſioners, and ſhall order to be raiſed, by further tax on ſaid county, in like manner as other contingent charges are raiſed, a ſufficient ſum to diſcharge the balances ſo found due, with the addition of nine-pence on the pound for collecting the ſame, and the further ſum of three pence in the pound hereafter allowed to the treaſurer of the ſaid county, and the ſaid ſupervisors are required to iſſue their warrants for that purpoſe, requiring the ſeveral collectors to collect and pay the ſame to the treaſurer of ſaid county, on or before the firſt day of October next, which money ſo raiſed and collected ſhall be paid by the ſaid county treaſurer to the ſaid commiſſioners, or to their order.

And be it further enacted, That it ſhall be lawful for the treaſurer of ſaid county to retain in his own hands the ſum of three-pence in the pound for his trouble in receiving and paying out the monies directed to be raiſed by this act.

CHAP. XXVII.

An Act concerning Sheriffs. Paſſed the 24th of March, 1795.

WHEREAS by the conſtitution of this ſtate, it is ordained, that ſheriffs and coroners be annually appointed, and that no perſon ſhall be capable of holding either of the ſaid offices, more than four years ſucceſſively, nor the ſheriff of holding any other office at the ſame time; and that where the duration of any office is not aſcertained by the conſtitution, ſuch office ſhall be conſtrued to be held during the pleaſure of the council of appointment: And whereas it has frequently happened, that the ſheriff of a county has not been re-appointed, nor any new ſheriff appointed, until long after the expiration of a year from the time of the next preceding appointment of ſuch ſheriff: And whereas the practice for ſuch ſheriff to continue in the execution of his office, beyond the time limited by the conſtitution to do and execute all the duties thereof, until a new ſheriff was appointed, commiſſioned and qualified, has been drawn into queſtion. In order therefore to prevent any miſchief that may ariſe,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby declared by the authority of the ſame, That it is, and ſhall be lawful for every ſheriff in this ſtate, who now is, or hereafter ſhall be appointed and commiſſioned as ſheriff, and has taken or ſhall take upon himſelf the ſaid office, to continue in, and to do, execute and perform all the duties of the ſaid office, until a new ſheriff ſhall be appointed and commiſſioned in his place, and ſhall have delivered to him a writ of diſcharge, if he ſhall be found in the county; and if not, ſhall have filed the ſame in the office of the clerk of the county: but it ſhall nevertheleſs be the duty of the perſon adminiſtering the government of the ſtate, for the time being, by and with the advice and conſent of the council of appointment, annually to appoint ſheriffs and coroners according to the conſtitution of this ſtate.

And be it further enacted by the authority aforeſaid, That all commiſſions to ſheriffs, ſhall be in this form, to wit: "The people of the ſtate of New York, to all to whom theſe preſents ſhall come, greeting: Know ye, that we have committed to our well beloved A. B. our county of W. or our city and county of N. as the caſe may be, with the appurtenances, to keep during the pleaſure of our council of appointment. In teſtimony whereof, we have cauſed theſe our letters to be made patent, and the great ſeal of our ſtate, to be hereunto affixed," and ſhall be teſted or witneſſed in the uſual form; and that the writ of diſcharge ſhall be iſſued at the ſame time, and be delivered to the new ſheriff, with his commiſſion, and ſhall be in the form following, to wit; "The people of the ſtate of New-York, to all to whom theſe preſents ſhall come, greeting: Whereas we have committed to our well beloved A. B. our county of W, or our city and county of N. as the caſe may be, with the appurtenances, to keep during the pleaſure of our council of

Form of ſheriff's commiſſions.

The form of writs of diſcharge, delivered with commiſſions to new ſheriffs.

appointment; therefore we command C. D. late ſheriff of the county aforeſaid, or of the city and county aforeſaid (as the caſe may be) that by indenture thereof, in due manner to be made, he deliver to the ſame A. B. the county aforeſaid, or city and county aforeſaid, as the caſe may be, with the appurtenances, together with the rolls, writs, memorandums, and all other things touching that office, which are in his cuſtody, to keep in form aforeſaid;" and ſuch writ of diſcharge ſhall be teſted in the ſame manner as the ſaid commiſſion is teſted, and be ſealed with the great ſeal of this ſtate.

And be it further enacted by the authority aforeſaid, That the ſheriff of each reſpective county in this ſtate, ſhall, as ſoon as may be after he takes upon himſelf that office, by writing under his hand and ſeal, make ſome proper perſon under ſheriff of the ſame county, during the pleaſure of ſuch ſheriff, and as often as any ſuch under ſheriff ſhall die or be removed from his office, or move out of the county, or become incapable of executing the office, another ſhall be appointed in his place in the manner aforeſaid; and every ſuch deputation or appointment, ſhall be recorded in the office of the clerk of the county; and in caſe of the death of the ſheriff of any county, the under-ſheriff of the ſame county for the time being, ſhall in all things execute the office of ſheriff of the ſame county, in the name of the deceaſed ſheriff, until another ſheriff ſhall be appointed and commiſſioned; and ſhall take upon himſelf the ſaid office, and the defaults and miſfeaſances in office of ſuch under-ſheriff in the mean time, as well as before, ſhall be adjudged a breach of the condition of the bond of ſecurity, given by the ſheriff who appointed him; and the executors or adminiſtrators of the deceaſed ſheriff ſhall have the like remedies for the defaults and miſfeaſances in office of ſuch under-ſheriff, happening during ſuch interval, as ſuch ſheriff would have been entitled to, if he had lived and continued in the exerciſe of the office until his ſucceſſor was appointed and commiſſioned, and had taken upon himſelf the ſaid office; and in caſe there ſhould be no ſuch under-ſheriff of any county, at the time of the death of the ſheriff of any county; or if ſuch under ſheriff ſhould die, or move out of the county, or become incapable of executing the office, before another ſheriff of the ſame county ſhall be appointed and commiſſioned, and have taken upon himſelf the ſaid office; then and in every ſuch caſe, the coroner or coroners, if there ſhall be more than one in ſuch county, ſhall in all things execute the office of ſheriff of the ſame county, until a ſheriff thereof ſhall be appointed and commiſſioned, and ſhall take upon himſelf the ſaid office; and in every caſe of the death of a ſheriff, the writ of diſcharge ſhall be delivered by the new ſheriff to the under-ſheriff of the ſaid county, if there be any; and if not, then to one of the coroners of the ſame county; or filed in the office of the clerk of the ſame county; and the new ſheriff ſhall in all caſes be conſidered as ſheriff of the ſame county from the time of ſuch delivery or filing the writ of diſcharge as aforeſaid, and not before.

Under ſheriffs to be appointed by ſheriffs of the counties, &c. on the death, &c.

When the coroner or coroners are to execute the ſheriff's office.

When the writ of diſcharge is to be delivered to the under-ſheriff or coroner, or into the clerk's office.

Commencement of the new ſheriff's office.

Provided always,

And be it further enacted by the authority aforeſaid, That nothing in this act contained ſhall be conſtrued to prevent any ſheriff from appointing ſuch and ſo many deputies as he may think proper, beſides the under-ſheriff. And further, that no perſon who may at any time be authorized or deputed by any ſheriff to

Sheriffs may appoint deputies, beſides the under-ſheriff.

a particular act only, shall be obliged on that account to take the oath required to be taken by the deputies of sheriffs, by the act entitled, "An act requiring all persons holding offices or places under the government of this state, to take the oaths therein mentioned."

CHAP. XXVIII.

An ACT *for the better extinguishing Fires in the Town of Brooklyn, in King's County.*

Passed the 24th of March, 1795.

Firemen, how, when, and where to be chosen.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the freeholders and inhabitants of the town of Brooklyn, in King's county, having a right to vote at town meetings, and residing near the ferry, within a line to begin at the east river, opposite to and to be drawn up the road that leads from the still-house, late the property of Philip Livingston, deceased, and including the same still-house and the other buildings on the south side of the same road, to and across the road leading from Bedford, south of the house of John B. Johnson, and from thence northeasterly, including all the houses on the east side of the road last mentioned, to and including the house and mills of John Jackson at the east river aforesaid; and from thence down the east river to the place of beginning, to assemble together on the second Tuesday in May next, at the public school-house in the said district, and on every second Tuesday in May in every year thereafter, at such place as shall be agreed on by a majority of votes at their last meeting; and then and there by a majority of the votes of those so met, and having a right to vote, choose so many able-bodied and discreet men residing within the limits aforesaid, as a majority of those so met shall think proper, not exceeding thirty in the whole, to have the custody, care and management of the fire engine or engines, and the other tools and instruments for extinguishing fires within the limits aforesaid; and all or any of the persons so by them to be chosen from time to time at any such meeting, to remove or displace, and any other person or persons in his or their place and stead to choose as aforesaid; and that the persons so to be chosen, shall be called, "The Firemen of Brooklyn," and shall be ready at all timss, as well by night as by day, to manage, work and exercise the same fire engine or engines, and the other tools and instruments aforesaid; and shall be subject to such rules, orders and regulations, as the freeholders and inhabitants residing within the said district, and having a right to vote as aforesaid, shall at such meeting from time to time, make and establish for the better government of the said firemen; and likewise at every such meeting to choose in manner aforesaid, a proper person residing within the said district to be their clerk, whose duty it shall be to enter all the names of such persons chosen firemen as aforesaid, in a book to be by him provided and kept for that purpose; and to make an entry of all the proceedings in the said book at every such meeting; and likewise that a majority of the freeholders and inhabitants at their meetings as aforesaid, are hereby empowered to direct and require the inhabitants and owners of houses, to provide themselves with such and so many fire-buckets, to be ready in their respective houses, for the purpose of extinguishing fires which may happen in the said district, and to impose such

Firemen's duty.

Clerk's duty.

Fire-buckets. Delinquents, how punished.

reaſonable fines and penalties for every neglect, default or diſobedience of ſuch rules and regulations, or deficiency of buckets, as a majority of the ſaid freeholders at their ſaid meetings as aforeſaid ſhall think proper; which fines, penalties, and forfeitures ſhall be recovered before any juſtice of the peace in and for the ſaid county, by the ſaid clerk, in an action of debt with coſts, in his own name, and when recovered, ſhall be applied towards keeping in repair the ſaid fire engines and tools thereunto belonging.

And be it further enacted by the authority aforeſaid, That every perſon ſo to be choſen a fireman as aforeſaid, ſhall be, and is hereby declared to be, during his continuing as a fireman, and no longer, exempted and priviledged from ſerving in the office of overſeer of the highways or conſtable, and from being empaneled on any jury or inqueſt, and from militia duty, except in caſes of invaſion or other imminent danger, and a certificate from the clerk aforeſaid, ſhall be ſufficient evidence of ſuch privilege and exemption.

How fire engines are to be repaired.

And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for the freeholders and inhabitants of the ſaid town of Brooklyn, reſiding within the limits aforeſaid, or a majority of them, ſo entitled to vote as aforeſaid, at any ſuch meeting, to direct ſuch ſum or ſums of money as they ſhall deem neceſſary and proper for repairing the fire engines and other inſtruments for extinguiſhing fires now provided, or hereafter to be provided within the ſaid diſtrict, to be raiſed, levied and collected from the freeholders and inhabitants reſiding within the ſaid diſtrict at the ſame time, and in the ſame manner as the monies for the maintenance of the poor within the town of Brooklyn, are by law directed to be raiſed and collected, and agreeable to the aſſeſſors tax-liſt in the ſaid town for the time being; and the ſaid monies when collected, to be paid into the hands of the ſaid clerk, to be by him paid and applied for the purpoſes aforeſaid, at ſuch time, and in ſuch manner, as the major part of ſuch firemen ſhall from time to time direct and appoint.

And be it further enacted by the authority aforeſaid, That the act, paſſed the fifteenth day of March, 1788, entitled, "An act for the better extinguiſhing fires in the town of Brooklyn, in King's county," ſhall, from and after the paſſing of this act, be, and the ſame is hereby repealed.

CHAP. XXIX.

An ACT *concerning the Legacy bequeathed by David Jones, for the Benefit of a Charity School.*

Paſſed the 24th of March, 1795.

WHEREAS David Jones, late of Fort Neck, in Queen's county, deceaſed, in and by his laſt will and teſtament, did give and bequeath unto the charge and care of the church wardens of the pariſh of Hempſtead in Queen's county aforeſaid, for the time being, and to the charge and care of their ſucceſſors for ever, annually choſen by virtue of the act, entitled "An act for ſettling a miniſtry, and raiſing a maintenance for them in the city of New-York, county of Richmond, Weſtcheſter, and Queen's county," the ſum of three hundred pounds, current money of New-York, to be let out on intereſt on good land ſecurity, and the ſaid intereſt annually applied for ever in the education and inſtruction of ſuch poor children belonging to the town of Oyſterbay, as the ſaid church wardens for the time being

ſhall deem proper objects of charity; the ſaid church-wardens once in every year, on the firſt Tueſday in May, to deliver unto the veſtry of the pariſh of Hempſtead, annually elected by virtue of the ſaid act, a juſt, true, and circumſtantial account on oath of all their proceedings in relation to the diſpoſition and application of the ſaid intereſt money, and how and to whom the principal ſums are lent, and to take the directions of the ſaid veſtry with reſpect to their further proceedings therein. And although the executors of the ſaid laſt will and teſtament, or ſome or one of them, offered to pay the ſaid legacy, yet no perſon applied for payment thereof, and the ſame remains unpaid: And whereas the ſaid executors are dead, and adminiſtration of the goods, chattels and credits which were of the ſaid David Jones at the time of his death, not adminiſtered by his executors, has been committed, with his ſaid will annexed, unto Samuel Jones and Samuel Clows, who it is ſuggeſted will probably ſoon have aſſets in their hands ſufficient to pay the ſaid ſum of three hundred pounds; but the act mentioned in the ſaid bequeſt having been repealed, there is not any perſon authoriſed to receive the ſame: In order therefore, that the intentions of the teſtator may be carried into execution,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame, That it ſhall and may be lawful for the ſaid adminiſtrators, to pay the ſaid three hundred pounds to the overſeers of the poor of the ſaid town of Oyſterbay for the time being, or either of them; whoſe receipt for the ſame ſhall be a ſufficient diſcharge to the ſaid adminiſtrators for the ſaid legacy. And the ſaid overſeers of the poor of the ſaid town of Oyſterbay and their ſucceſſors, are hereby directed and required to lend out the ſaid ſum of three hundred pounds at intereſt, on good land ſecurity, and to apply the ſaid intereſt annually for ever in the education and inſtruction of ſuch poor children belonging to the ſaid town of Oyſterbay, as the ſaid overſeers of the poor of the ſaid town of Oyſterbay for the time being, ſhall deem proper objects of charity; and once in every year, on the laſt Tueſday in March in every year, to deliver to the town clerk and ſuperviſor for the time being of the ſaid town of Oyſterbay, and ſuch juſtice or juſtices of the peace, as may reſide in the ſaid town of Oyſterbay, or ſuch of them as ſhall then meet to examine and audit the accounts of the overſeers of the poor of the ſaid town of Oyſterbay, a juſt, true, and circumſtantial account, on oath, of all their proceedings in relation to the diſpoſition and application of the ſaid intereſt money, and how and to whom the principal ſums are lent. And the ſaid town-clerk, ſuperviſor, and juſtice or juſtices, ſhall make a report thereof to the then next town meeting, to be held in the ſaid town of Oyſterbay; and the ſaid town meeting may give ſuch directions with reſpect to the further proceedings of the ſaid overſeers therein, as the major part of the freeholders and inhabitants of the ſaid town then met, may deem proper or neceſſary.

CHAP. XXX.

An ACT *for the Relief of Nathaniel Mallory, and others.*

Paſſed the 24th of March, 1795.

WHEREAS Nathaniel Mallory, David Ward, Daniel Ray, Newill Reynolds, Elias Wilſon, Cyrus Wilſon, Nathan Warren, Leonard Owen, Charles Owen, David Clemons, Jonas Gibbs, junior, Joel Clemons

John Gibbs, John Young, Edward Everit, Thaddeus Owen, Moſley Wood, Theophilus Clark, Nathan Ford, Uriah Hancock, Daniel Hamblin, Lamel Lamb, Jabiſh Warren, Zaccheus Mallory, John Pray, Juſtin Narremore, John Blanchard, Iſaac Finch, junior, James Finch, Zaccheus Palmer, Zephania Palmer, David Mallory, Ebenezer Ward, Robert Everit, and Nathan Baldwin, have by their petition, repreſented to the legiſlature, that ſome of them are now living on, and others of them have lately begun to make improvements on lands belonging to the people of this ſtate, in the county of Clinton, under promiſes from ſundry perſons to lay locations on the ſaid lands, but who have ſince laid them on other lands, ſo that without legiſlative relief they muſt loſe their improvements: Therefore,

Lands to be granted to ſurveyor-general, in truſt for ſaid petitioners.

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame, That it ſhall and may be lawful for the commiſſioners of the land-office, to cauſe to be ſurveyed and laid out for the ſaid petitioners, one entire tract, as near in a ſquare as local circumſtances will admit of, not leſs than ſeven thouſand, nor more than ten thouſand acres of the vacant and unappropriated land belonging to the people of this ſtate, ſo as to include their preſent improvements; and ſhall cauſe letters patent under the great ſeal of this ſtate, to be iſſued for the ſame to the ſurveyor-general of this ſtate, and his heirs in truſt for the petitioners and their heirs; and that the ſurveyor-general ſhall cauſe the ſaid tract to be divided among the ſaid petitioners, allotting to each of them an equal quantity as nearly as may be, and ſo as to include his own improvements; and upon either of the petitioners paying to the ſurveyor-general, ſix ſhillings for each acre of land ſo allotted to ſuch petitioner, together with an equal proportion of the expence of ſuch ſurveying and dividing the ſaid tract, and of ſuing out the ſaid letters patent, and the whole expence of the conveyance to be made to him; the ſurveyor-general ſhall execute and deliver a conveyance of the ſaid land ſo allotted to ſuch petitioner, to him and his heirs and aſſigns for ever: but if any or either of them incline to mortgage their ſaid land to ſecure the payment of the price of the land and the ſaid expences, the ſaid ſurveyor-general ſhall, upon executing every ſuch conveyance to every ſuch perſon, take a mortgage of the ſame land from ſuch perſon in the form herein-after preſcribed, to ſecure the payment of the ſaid money, including alſo the expence of ſuch mortgage, and of proving and regiſtering the ſame; and ſhall cauſe every ſuch mortgage to be proved or acknowledged and regiſtered according to law, and then deliver the ſame to the treaſurer of this ſtate.

Mode of dividing the lands among the petitioners.

Said petitioners may mortgage to the ſurveyor-general.

And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the treaſurer of this ſtate, and he is hereby directed to pay to the ſurveyor-general, a ſum not exceeding one hundred pounds, to enable him to execute and perform the duties required of him by this act.

And be it further enacted by the authority aforeſaid, That the mortgages to be taken by virtue of this act, ſhall be in the following form, that is to ſay: "This indenture, made the day of in the year of our Lord one thouſand ſeven hundred and ninety- Between of the firſt part, and the people of the ſtate of New-York of the ſecond part, witneſſeth, That the ſaid for and in conſideration of the ſum of to him in hand paid for and in behalf of the

people of the ſtate of New-York, the receipt whereof is hereby acknowledged, hath granted, bargained, ſold, releaſed, and confirmed; and by theſe preſents doth grant, bargain, ſell, releaſe and confirm, unto the people of the ſtate of New-York, All that together with all manner of improvements, hereditaments, and appurtenances to the ſame belonging, or in any wiſe appertaining; and all the eſtate, right, title, intereſt, claim and demand whatſoever of the ſaid of, in, and to the ſaid premiſes, and of, in, and to every part thereof: To have and to hold all and ſingular the ſaid premiſes, hereby intended to be conveyed, and every part thereof, with the appurtenances, unto the people of the ſtate of New-York for ever: Provided always, That if the ſaid executors, adminiſtrators or aſſigns, ſhall pay or cauſe to be paid unto the treaſurer of this ſtate for the time being, for the uſe of the people of this ſtate, the intereſt of the ſaid ſum of at the rate of ſix pounds per cent. per annum, on the firſt Tueſday of July yearly and every year, and the ſaid principal ſum of with all the intereſt then due for the ſame, when the ſame ſhall be demanded by the treaſurer of this ſtate for the time being, for and in behalf of the people of this ſtate, at any time after the firſt Tueſday in July, which will be in the year of our Lord one thouſand eight hundred and five; then the above grant, bargain and ſale, and every article and clauſe thereof, ſhall be void: But if failure be made in any of the payments above mentioned, then the above bargain and ſale is to remain in full force and virtue; and the ſaid for heirs and aſſigns, hereby agrees to be abſolutely barred of and from all equity of redemption of the premiſes, after the expiration of one year after ſuch failure; and the ſaid for heirs, executors, and adminiſtrators, hereby covenant, grant and agree, to and with the people of the ſtate of New-York, that the ſaid heirs, executors, or adminiſtrators, ſhall and will well and truly pay the intereſt of the ſaid ſum of at the rate aforeſaid, annually on the firſt Tueſday of July in every year; and the ſaid principal ſum of with all the intereſt then due thereon, when demanded as aforeſaid after the firſt Tueſday in July, which will be in the year of our Lord one thouſand eight hundred and five, according to the proviſo or condition aforeſaid: In witneſs whereof, the ſaid hath hereunto ſet hand and ſeal, the day and year firſt above written." Which ſaid mortgages ſhall be good and effectual in the law, and ſhall be preferred to all other charges and incumbrances whatſoever on the ſaid lands ſo mortgaged, made or ſuffered, or to be made or ſuffered by ſuch mortgagor.

Surveyor-general to account with the auditor, &c.

And be it further enacted by the authority aforeſaid, That the ſurveyor-general ſhall from time to time account with the auditor of this ſtate for the monies he ſhall receive and pay in purſuance of this act, and pay the balance to the treaſurer of this ſtate.

CHAP. XXXI.

An ACT *to enable John B. Coles to raiſe a Dam acroſs Haerlem River, and to amend an Act, entitled, An Act for building a Bridge acroſs Haerlem River.*

Paſſed 24th of March, 1795.

Morris's right to build a bridge acroſs Haerlem river.

WHEREAS in and by an act, entitled, "An act for building a bridge acroſs Haerlem river," paſſed

March 31ſt, 1790, Lewis Morris, his heirs and aſſigns, were authoriſed at his and their own expence, to build a bridge acroſs Haerlem river, agreeably to the directions and dimenſions therein ſpecified, and for the term of ſixty years, to aſk, demand, and take for the uſe of the ſaid bridge, a toll not exceeding the rates in the ſaid act mentioned.

John B. Coles now poſſeſſed of ſaid right

And whereas the ſaid Lewis Morris, hath aſſigned his right to build the ſaid bridge, and propoſals have been made by John B. Coles, to the aſſignees of the ſaid Lewis Morris, to raiſe a dam of ſtone for the purpoſe of erecting mills thereon, and to be the foundation of the bridge aforeſaid:—Therefore,

A dam acroſs ſaid river, where to be made, its materials, and uſes.

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, That John B. Coles, his heirs and aſſigns, ſhall be, and he and they are hereby authoriſed to build a dam acroſs Haerlem river, at ſuch place as is or ſhall be determined on by the aſſignees of the ſaid Lewis Morris, in purſuance of the act above recited; and ſuch dam ſhall be made of ſtone, and ſhall be ſo conſtructed, as to be the foundation of the bridge aforeſaid, and for collecting the water of the ſaid river for the uſe of griſt and other mills.

A lock for boats to paſs through.

And be it further enacted, That the ſaid John B. Coles, his heirs or aſſigns, at his and their own expence, ſhall make, and keep in repair a lock; and ſhall provide and keep a ſufficient perſon to attend the ſame, that no unneceſſary delay may happen to thoſe who may have occaſion to paſs through the ſaid lock with boats; that the width of ſaid lock be eight feet, and ſo conſtructed, as that a veſſel drawing two feet of water, may at low water enter ſuch lock, and that the length be forty feet.

Certain damages ſuſtained, how determined and paid for.

And be it further enacted, That all perſons whoſe meadows and ſedges may be injured, damaged, or deſtroyed by the waters ſo ponded up as aforeſaid, ſhall be paid the amount of the damages he, ſhe, or they may ſo ſuſtain, in the manner following: the amount of the damages that ſo as aforeſaid ſhall be ſuſtained, ſhall be determined, ſet and appraiſed by two juſtices of the peace, and by the oaths of twelve freeholders, not having any intereſt in the premiſes; and the ſaid freeholders ſhall be ſummoned by a conſtable of the town or ward in which ſuch damages ſhall have been ſuſtained, by virtue of a warrant to be iſſued by the ſaid two juſtices of the peace for that purpoſe, on the application of any perſon ſuſtaining damages as aforeſaid; the whole of the ſaid damages, together with the charges of the ſaid juſtices and jury, and of the whole proceedings thereon had, if any damages ſhall be found, ſhall be paid by the ſaid John B. Coles, his heirs or aſſigns, within thirty days after notice to him or them given of the inquiſition ſo taken as aforeſaid.

And be it further enacted, That in caſe the ſaid John B. Coles, his heirs or aſſigns, ſhall neglect to keep the ſaid lock in ſufficient repair, or to furniſh ſuch attendance thereat, as to prevent the free paſſage of boats, he or they ſhall for every ſuch neglect, forfeit the ſum of two pounds, to be recovered with coſts of ſuit, before any juſtice of the peace, by any perſon who ſhall proſecute for the ſame.

Width of ſaid bridge.

And be it further enacted, That the width of the ſaid bridge, ſhall not be leſs than twenty-four feet, any thing in the act above recited to the contrary notwithſtanding.

For the erection of said bridge in four years, and keeping it in repair 60 years. Security to be given, after that to become state property.

And be it further enacted, That the said John B. Coles, his heirs and assigns, shall give security to the treasurer of this state, in the penal sum of four thousand pounds, conditioned that he or they shall erect and complete the said bridge within four years after the passing of this act; and that he or they will preserve the same in good and sufficient repair during the term of sixty years after the building and completing the said bridge; and at the expiration of which term of sixty years, the said bridge shall vest in, and become the property of the people of this state.

And be it further enacted, That from and after the expiration of the said sixty years, the said John B. Coles, his heirs and assigns for ever, shall have, hold and enjoy the use of the waters so pounded up for any mill or mills, which he, or they, or any of them may have erected, or shall erect; and also the use of the said dam: *Provided*, That he or they shall keep in repair the said dam and lock, at his and their proper expence, and keep a person to attend the said lock, in manner herein before mentioned.

CHAP. XXXII.

An ACT *for raising a further Sum of Money for completing the Court-House and Gaol, in the County of Saratoga.*

Passed the 24th of March, 1795.

WHEREAS James Emott and others, commissioners by law appointed to superintend the building a court-house and gaol in the county of Saratoga, have by their petition, represented to this legislature, that in pursuance of their said appointment, they have proceeded to erect a building for the purpose aforesaid (in their judgment) suited in dimension and convenience to the extent and population of the county. And the supervisors of the county having represented that a further sum of money will be necessary to complete the same;—Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the supervisors of the county of Saratoga, at their meeting in May next, are hereby authorised and required to direct to be levied and raised on the freeholders and inhabitants of the county of Saratoga, the sum of six hundred pounds, with an additional sum of one shilling on the pound for collecting the same; which said sum shall be raised, levied and collected in like manner as the other necessary and contingent charges of the said county are by law levied and collected.

And be it further enacted, That the said sum of six hundred pounds shall be collected and paid into the treasury of said county, on or before the first day of February next; and the treasurer of said county is hereby required and directed to pay said sum of six hundred pounds to the order of the said commissioners, or a major part of them; reserving to himself the sum of three pence on the pound, for his services for receiving and paying out the same.

And be it further enacted, That the said commissioners shall account with the supervisors of the county of Saratoga, for the monies by them to be received and expended for the purpose aforesaid, when thereunto required.

CHAP. XXXIII.

An ACT *authorizing the Surveyor-General to aſcertain the Eaſtern Boundary Line of the Lands ceded by this State, to the Commonwealth of Maſſachuſetts, and for other Purpoſes therein mentioned.*

Paſſed the 24th of March, 1795.

WHEREAS it hath been ſuggeſted, that lands have been granted by letters patent under the great ſeal of this ſtate, which are comprehended within the tract previouſly ceded by this ſtate to the commonwealth of Maſſachuſetts, by the act or deed of mutual ceſſion, executed on the 16th day of December, 1786; and that the ſame are claimed by perſons under titles derived from the ſaid commonwealth: In order therefore to ſettle and adjuſt ſuch adverſe claims, and as far as may be to prevent litigation and controverſy between the claimants,

Mode of adjuſting ſuch claims.

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, That the ſurveyor general of this ſtate, as ſoon as may be after the paſſing of this act, ſhall examine the line run by Benjamin Ellicott, of Pennſylvania, as for the eaſtern boundary line of the lands ceded as aforeſaid to the commonwealth of Maſſachuſetts, in ſuch manner as he ſhall deem beſt adapted to diſcover whether the ſaid line has been truly run, and in conformity with the ſtipulations contained in the ſaid act of ceſſion; and if he ſhall judge that the ſaid line hath been truly run, he ſhall then apply to the ſaid Benjamin Ellicott for a deſcription and map of the ſaid line, and for a certificate atteſted by his oath, that the ſaid line ſo run by him, is, to the beſt of his knowledge and belief, truly performed; and that it commenced in the boundary line between this ſtate and the ſtate of Pennſylvania; and at the point from whence the eaſtern boundary line of the lands ſo ceded, was to begin agreeably to the ſaid act of ceſſion; and if the ſaid ſurveyor-general ſhall judge that the ſaid line hath been truly run from the point aforeſaid to lake Ontario, he ſhall then aſcertain, in ſuch manner as he ſhall judge proper, what lands part of the tract ſo ceded as aforeſaid, if any, have been granted by letters patent under the great ſeal of this ſtate; of all which he ſhall make report as ſoon as may be, to the commiſſioners of the land-office: But if he ſhall adjudge that the ſaid line hath not been truly run, and not in conformity with the intentions of the parties to the ſaid act of ceſſion, he ſhall then run a line to determine the eaſtern boundary of the ſaid lands ſo ceded as aforeſaid, in uniformity to the ſaid act of ceſſion.

Grants of lands by this ſtate, within the ceded tract, how other lands ſhall be granted in lieu thereof; and to be ſurveyed and patented without expence to patentees.

And be further enacted, That it ſhall be lawful for the commiſſioners of the land-office, if it ſhall appear from the report of the ſurveyor general, to be made as aforeſaid, that letters patent have been granted under the great ſeal of this ſtate, for any lands laying within the tract ſo ceded as aforeſaid, to give and to grant in lieu of the whole, or any lieu of any part thereof, other lands of equivalent value of the unappropriated lands within this ſtate, if the claimants under titles derived from the ſaid commonwealth, ſhall agree to accept thereof, or to give and grant to each and every claimant under titles derived from this ſtate who ſhall be willing to accept thereof, other lands of equivalent value of the unappropriated lands within this ſtate; and to cauſe all the lands which may be ſo exchanged or granted, to be ſurveyed at the expence of the people of this ſtate; and to cauſe letters patent to be iſſued for any lands which

may be given in lieu of lands heretofore granted by this ſtate, and comprehended within the tract ſo ceded, and without fee or reward.

Grants within ſaid ceded tract in virtue of locations, ſuch grantees to locate elſewhere, &c.

Provided, That in every caſe where letters patent have been paſſed, founded on locations for lands weſt of the ſaid boundary line, and the title whereof is ſtill in the original patentee or patentees, or their heirs or deviſees; ſuch patentee or patentees, or their heirs or deviſees, ſhall be only permitted to locate an equivalent quantity of the unappropriated lands belonging to the people of this ſtate, and which are now ſubject to location, and ſhall receive letters patent therefor in the uſual form.

Provided alſo, That the claimants of lands within the tract ſo ceded as aforeſaid, whether under titles derived from the ſaid commonwealth or this ſtate, who ſhall conſent and agree to take of the unappropriated lands within this ſtate, in lieu of the lands heretofore granted by this ſtate, and comprehended within the ſaid ceded tract, ſhall releaſe their right to the lands comprehended within the tract ſo ceded as aforeſaid, in ſuch manner as the ſaid commiſſioners ſhall ſtipulate with the reſpective claimants.

And be it further enacted, That it ſhall and may be lawful for the ſurveyor-general to draw upon the treaſurer of this ſtate, by warrant from the perſon adminiſtering the government of this ſtate for the time being, for ſuch ſum or ſums of money as may be neceſſary to defray the expences of aſcertaining the eaſtern boundary line aforeſaid; and of ſuch ſurveys as may be directed by the commiſſioners of the land-office, in adjuſting the claims of the ſaid claimants reſpectively, by virtue of grants from this ſtate, or grants from the ſaid commonwealth, in and to the aforementioned lands; for which ſaid ſums ſo to be drawn, the ſaid ſurveyor-general ſhall account with the auditor of this ſtate.

CHAP. XXXIV.

An ACT *for the Relief of Nathan Dean and others.*

Paſſed 31ſt of March, 1795.

WHEREAS David Gardiner, late of the county of Ulſter, deceaſed, did, during his life-time, make three locations, of two hundred acres each, on lands ſituate on the weſt ſide of the river Delaware, but neglected to cauſe the ſame to be ſurveyed according to law; by reaſon whereof, the locations aforeſaid became void: And whereas William Cockburn afterwards, and before the ſaid locations made by the ſaid David Gardiner became void, made locations, interfering with the lands ſo located. And whereas Nathan Dean, and ſquire Whitaker, after the ſaid locations were made, contracted with the commiſſioners of the land-office for the purchaſe of the ſame lands, and made conſiderable improvements thereon, by erecting mills and other valuable buildings:—Therefore,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame, That it ſhall and may be lawful for the commiſſioners of the land-office, to grant letters patent to the ſaid Nathan Dean, and ſquire Whitaker, in the uſual form, for the ſaid ſix hundred acres of land; they, the ſaid Nathan Dean and ſquire Whitaker, firſt paying into the treaſury the ſum of ſix hundred dollars.

AND WHEREAS the ſaid David Gardiner died inteſtate, and Moſes Hatfield hath adminiſtered on his eſtate: Therefore,

Be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for the treaſurer to pay the ſaid ſix hundred dollars to Moſes Hatfield, adminiſtrator of all and ſingular the goods and chattels, rights and credits of David Gardiner, deceaſed, to be applied and diſpoſed of as part of the perſonal eſtate of the ſaid David Gardiner, deceaſed; and ſhall be conſidered as a full compenſation for the certificates depoſited by him the ſaid David Gardiner, with the ſurveyor-general, for the locations made by him as aforeſaid.

And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for the ſaid William Cockburn, to locate on any vacant and unappropriated land, ſubject to locations at the time of making the ſaid location, a quantity of land, equal to the quantity of land of his former location, covered by the prior location of the ſaid David Gardiner.

CHAP. XXXV.

An ACT *authorizing the Commiſſioners of the Land Office, to grant Letters Patent for the Lands therein mentioned, to Henry Mansfield and Jotham Jayne.*

Paſſed the 31ſt of March, 1795.

WHEREAS it is repreſented to the legiſlature, that Henry Mansfield and Jotham Jayne, have made ſome improvements on vacant lands on Schoonemonk mountain, in Orange county; and by their petition have prayed that the ſame may be granted to them on paying for the ſame:—Therefore,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame, That the commiſſioners of the land-office be, and they are hereby authoriſed and directed to grant letters patent to Henry Mansfield and Jotham Jayne, or their legal repreſentatives, as tenants in common for a tract of about ſix hundred acres of vacant land on Schoonemonk mountain, in Orange county, upon their producing a ſurvey thereof, at their own expence from the ſurveyor general of this ſtate; and alſo a certificate from him that the ſame is vacant lands: *Provided*, That a valuation of the ſaid lands ſhall have been previouſly made by ſuch perſon or perſons as the ſaid commiſſioners ſhall appoint for the purpoſe, who ſhall certify ſuch valuation under hand and ſeal to the treaſurer of this ſtate: *And provided alſo*, That they the ſaid Henry Mansfield and Jotham Jayne, ſhall, before the granting of ſuch letters patent, produce a receipt of the ſaid treaſurer, that the purchaſe money has been paid agreeable to ſuch valuation, before the firſt day of January next.

CHAP. XXXVI.

An ACT *to amend the Acts for the Prevention of Fires, and to regulate certain Buildings in the City of New-York.*

Paſſed 31ſt of March, 1795.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame*, That from and after the firſt day of June next, no greater quantity of ſulphur than ten hundred weight, and no greater quantity of hemp or flax than twenty hundred weight, ſhall be put, ſtored or kept in any one place

in the city of New-York, to the southward of fresh water, in the sixth ward, nor to the southward of Rutger's slip in the seventh ward; other than in such proper place or places as shall be appointed and approved of by the mayor, aldermen and commonalty of the city of New-York, in common council convened, under the penalty of ten pounds for every offence or refusal to remove the same; to be recovered, levied and applied in the manner, and for the purposes, directed in and by the act, entitled, "An act for the more effectual prevention of fires in the city of New-York."

And be it further enacted by the authority aforesaid, That every dwelling-house, or other building whatsoever, which shall be erected or built within the city of New-York, after the first day of May next, to the south and west of the line mentioned and described in the act, entitled, "An act for the more effectual prevention of fires, and to regulate certain buildings in the city of New-York;" and which from the surface or level of the street, to which such house shall adjoin, whether in front or rear, to the foot of the rafters, shall be more than twenty-eight feet, shall be deemed, considered and taken to be a building, consisting of three or more stories, within the meaning and intention of the said act, entitled, "An act for the more effectual prevention of fires, and to regulate certain buildings in the city of New-York;" and shall be made and constructed of such materials, and in such manner, as is directed in and by the same act, under the penalties therein mentioned.

And be it further enacted by the authority aforesaid, That besides the penalties upon the proprietor and workmen, who shall build or roof the same, every dwelling-house or other building which shall be erected or built after the first day of May next, contrary to the directions of the said act, entitled, "An act for the more effectual prevention of fires, and to regulate certain buildings in the city of New-York," or contrary to this act, shall be liable to, and chargeable with double taxes during so long time, as such dwelling-house or other buildings shall so continue.

CHAP. XXXVII.

An ACT *for the better Support of the public Hospital in the City of New-York.*

Passed the 31st of March, 1795.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the treasurer of this state, for the time being, and he is hereby directed to pay to the treasurer for the time being, of the society of the hospital in the city of New-York, for the use of the said corporation, out of any monies then in the treasury of this state not otherwise appropriated, the sum of four thousand pounds annually, for and during the term of five years, to be computed from the first day of February last; which sum of four thousand pounds so to be paid, shall become chargeable upon the duties laid, or to be laid on sales at public vendue or auction, in the city of New-York.

And be it further enacted by the authority aforesaid, That the act, entitled, "An act for the better support of the hospital in the city of New-York," passed the 11th day of April, 1792, shall be repealed, so far as respects any future annual payments to be made to the society of the said hospital.

And be it further enacted by the authority aforesaid, That from and after the first day of July next, the duty charged by the act, entitled, "An act

for the regulation of ſales by public auction, upon goods, wares, merchandize and effects ſold at vendue or auction;" ſhall be two pounds, inſtead of two pounds ten ſhillings, for every hundred pounds of the value or price at which the ſame ſhall be ſold.

CHAP. XXXVIII.

An ACT *for the more effectual proſecution of the Improvements commenced by the Inland Lock Navigation Companies in this State.*

Paſſed the 31ſt of March, 1795.

Neceſſity of legiſlative relief, to the inland lock navigation companies.

WHEREAS the directors of the inland lock navigation companies, inſtituted by the legiſlature, have by their petition reſpectfully repreſented, that only ſeven hundred and forty three ſhares in the weſtern company, and ſix hundred and ſeventy ſix in the northern company, have been ſubſcribed to the ſtock of the ſaid companies; and that of thoſe, about two hundred and forty in each company have been forfeited; by reaſon that the holders thereof have refuſed or neglected to pay the ſum required of them in conformity to law; by means whereof, the reſidue of the ſtock in both companies is now held by only one hundred and ſixty nine perſons, who, although willing to proſecute the objects of the inſtitutions with vigour and energy, are incapable to make the requiſite advances, as the expence to be incurred on each ſhare will be double of what was originally intended, occaſioned by the deficit of the unſubſcribed ſhares, and the forfeitures aforeſaid; and have prayed legiſlative relief in the premiſes. *And whereas* the legiſlature, by the act of incorporation, intended that the ſtock of the ſaid companies reſpectively, ſhould conſiſt of one thouſand ſhares; and that the objects of the inſtitution were to facilitate the tranſportation of produce as an important mean to promote the agriculture and commercial intereſt of this ſtate:—Therefore,

State treaſurer to ſubſcribe to each company of the lock navigation, 200 ſhares.

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame, That it ſhall and may be lawful for the treaſurer of this ſtate, for the time being, and he is hereby required to ſubſcribe two hundred ſhares to the ſtock of each of the ſaid companies, being a like ſum as hath been paid by the exiſting ſtockholders thereof; and ſhall from time to time pay ſuch further ſum on each ſhare ſo to be ſubſcribed, as the directors of the ſaid company ſhall from time to time require to be paid by the other ſtockholders in the ſaid companies reſpectively, and not otherwiſe.

Privilege of ſaid treaſurer as to voting and dividends.

And be it further enacted by the authority aforeſaid, That the treaſurer of this ſtate for the time being, ſhall have ſuch and ſo many votes at any meeting of the ſtockholders whether the ſame be for the purpoſe of chuſing directors, or for any purpoſe for which any ſuch meeting ſhall be held, as any other ſtockholder is entitled to in conformity with the ſaid act of incorporation; and ſhall have, uſe and enjoy every privilege and advantage which the other ſtockholders are by law entitled to; and ſhall from time to time take and receive the dividend or dividends to which the people of this ſtate will become entitled to, out of every dividend or dividends hereafter to be made and to raiſe from the tolls or any other emolument whatſoever.

The treaſurer to inſpect the proceedings of the directors, and when to report to the legiſlature.

And be it further enacted by the authority aforeſaid, That whenever and as often as the ſaid treaſurer ſhall require an inſpection of the proceedings of the directors, the ſame ſhall be permitted him; and if he ſhall find that any meaſures have been purſued by the directors of either of the ſaid companies, tending to the injury of the people of this ſtate, as ſubſcribers to the ſtock of the ſaid companies, he ſhall report the ſame to the legiſlature at the firſt meeting thereof next after ſuch diſcovery.

CHAP. XXXIX.

An ACT *for altering one of the Terms of the Court of Common Pleas, in the County of Weſtcheſter.*

Paſſed the 31ſt of March, 1795.

WHEREAS one of the terms of the court of common pleas, in the county of Weſtcheſter, is by law to be held on the fourth Monday of January in every year, and is found to be inconvenient:—Therefore,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame, That inſtead of the ſaid fourth Monday of January, the ſaid term ſhall be held on the third Monday of December in every year, and may be held and continued until the next Saturday following incluſive.

CHAP. XL.

An ACT *to enable the Freeholders and Inhabitants of Part of the Town of Water-vliet, to elect Truſtees for the Purpoſes therein mentioned.*

Paſſed the 31ſt of March, 1795.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame,* That Lucas Van Veghten, Baſtian T. Viſſcher, Henry Quakenboſs, Abraham Van Veghten, and Luther Trowbridge, ſhall be, and they are hereby declared to be, the firſt truſtees for the freeholders and inhabitants of all that part of the town of Water-vliet, comprehended within the limits following, to wit: Beginning on the weſt bank of Hudſon's river, and in the north-eaſt corner of the bounds of the city of Albany, and extending northerly along the ſaid river, to a point on its weſt bank, diſtant one mile from the place of beginning on a ſtraight line; thence north fifty degrees weſt, one mile; thence northerly on ſuch courſe, as to interſect the north bounds of the city of Albany, at one mile from the place of beginning; thence eaſterly along the ſame north bounds, to the place of beginning; and ſhall continue to the truſtees as aforeſaid, until the ſecond Tueſday in May, one thouſand ſeven hundred and ninety-ſix, and until others ſhall be choſen in their place: and that it ſhall and may be lawful to and for the owners of houſes or land within the limits aforeſaid, as well as the freeholders and inhabitants for the time being, reſident within the ſaid limits, and qualified by law to vote at town meetings, to aſſemble on the ſecond Tueſday of May, one thouſand ſeven hundred and ninety ſix, and annually on the ſecond Tueſday of May in every year thereafter, at ſuch place, and at ſuch time of the day, as the truſtees for the

Five truſtees for the freeholders of part of Water-vliet.

Annual meeting for election, how they ſhall be conducted.

time being, or the major part of them, shall, by public advertisement, appoint, and under the direction of the said trustees, or such of them as shall be present, who are hereby made inspectors of such election, then and there, by a plurality of voices, to elect five discreet inhabitants, being freeholders, to be trustees as aforesaid; who shall continue in office until the second Tuesday of May, in the next ensuing year, and until others shall be chosen in their place.

Trustees allowed to hold real property.

And be it further enacted by the authority aforesaid, That the said trustees hereby appointed, and their successors, are hereby enabled to take a grant or grants, feoffment or feoffments of any lands and tenements, lying and being within the limits aforesaid, and to hold the same to them and their successors for ever, in trust to and for the common use and benefit of the freeholders and inhabitants aforesaid.

Freeholders empowered to make regulations for the better improvement of their common land.

And be it further enacted by the authority aforesaid, That the said owners of houses or land; and the said freeholders and inhabitants, at their annual meetings to be held as aforesaid, and at such other times of the year, as the said trustees, or a majority of them, may think necessary, to advertise for the purpose, shall be, and they are hereby authorized and empowered from time to time, to make, ordain, constitute and establish such prudential rules, orders and regulations, as a majority of such owners of houses or land, and freeholders and inhabitants so assembled, and having a right to vote, shall judge necessary and convenient, for the better improving their common lands, and for ascertaining and directing the use and management thereof; and also to ordain and establish such prudential rules and orders, relative to the cleansing, and keeping in order and repair, the common streets and highways, within the limits before mentioned, and for removing nuisances therefrom; and also to make and ordain rules and regulations, proper to compel the house-keepers to furnish themselves with a sufficient number of fire-buckets, and with necessary tools and implements, for extinguishing of fires; and to impose such penalties on the offenders against such rules, orders and regulations, on any or either of them, as the majority of such owners of houses or land, and freeholders and inhabitants so assembled, shall from time to time deem proper, not exceeding forty shillings for any one offence, to be recovered by the said trustees for the time being, in their own names, with costs of suit, for the use of the said owners of houses or land, and freeholders and inhabitants, by action of debt, before any justice of the peace residing in the county.

And for keeping in repair the streets and highways; and to compel house-keepers to provide themselves with fire-buckets, and to impose penalties for neglect.

And be it further enacted by the authority aforesaid, That the said trustees hereby appointed, and their successors, shall and may from time to time, constitute and appoint one fit person to be a common clerk for the said owners of houses or land, and freeholders and inhabitants, whose duty it shall be to record all rules, orders and regulations made by the said owners of houses or land, and freeholders and inhabitants, at their meetings as aforesaid, in a proper book to be kept by him, provided for such purposes; and also to do and perform all such matters and things as the said trustees, or a majority of them, shall lawfully from time to time, by writing under their hands, direct and appoint.

And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid truſtees, or the major part of them, and they are hereby required, with all convenient ſpeed, to elect, nominate and appoint, a ſufficient number of men willing to accept, not to exceed twenty in number, out of the inhabitants within the limits aforeſaid, to have the care, management, working and uſe of the fire engine or engines belonging, or which may belong to the ſaid owners of houſes or land, and freeholders and inhabitants; and alſo the tools and inſtruments for extinguiſhing fires; and the ſaid truſtees, or the major part of them, are hereby authorized and empowered, to remove or diſplace all or any of the firemen ſo as aforeſaid to be elected, nominated and appointed, when and as often as they ſhall think fit, and others in their ſtead to elect, nominate and appoint; and alſo to make, eſtabliſh and ordain, ſuch rules, orders and regulations for the government, conduct, duty and behaviour of ſuch firemen, as to them ſhall appear neceſſary and proper.

Truſtees to appoint firemen, not exceeding 20 in number.

And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for the ſaid owners of houſes or land, and freeholders and inhabitants, at their annual meeting for electing truſtees, by majority of voices, to determine what ſum in the aggregate ſhall be raiſed, levied and collected from the ſaid owners of houſes or land, and freeholders and inhabitants, reſident within the ſaid limits, for paving and other improvements on the highways therein, and to empower the ſaid truſtees to apportion the ſum ſo to be raiſed amongſt the ſaid owners of houſes or land, and freeholders and inhabitants, in proportion to the advantages which they ſhall deem to reſult to each, from any ſuch repairs or improvements; *Provided always*, That ſuch ſum ſhall not in any year exceed the ſum of three hundred pounds; and ſhall in like manner raiſe a ſum ſufficient to purchaſe an engine for the more effectual extinguiſhing fires within the ſaid limits, or within the city of Albany; and ſhall in like manner apportion to each, his or her proportion of the expence.

Freeholders at their annual meetings to determine what ſum ſhall be raiſed for paving and improving the highways, and for purchaſing a fire engine.

CHAP. XLI.

An ACT *relative to Lands in Brothertown.*

Paſſed the 31ſt of March, 1795.

WHEREAS certain lands, heretofore in the county of Montgomery, now in the county of Herkemer, were by law appropriated to the uſe of the Indians, commonly called New-England Indians, and particularly deſignated in an act, entitled, "An act for the ſale and diſpoſition of lands belonging to the people of this ſtate," paſſed the twenty-fifth day of February, one thouſand ſeven hundred and eighty-nine, with permiſſion to the ſaid Indians under certain reſtrictions, to leaſe a part of the ſaid lands for a term not exceeding ten years. *And whereas* ſeveral Indians, in their individual capacity, have granted leaſes for ſuch quantities of the ſaid land, as that others of the Indians who were intended to be participants in the ſaid lands, cannot be accommodated with a part thereof, which has occaſioned diſputes and controverſies between the ſaid Indians themſelves, and between

Certain lands were appropriated for the uſe of the New England Indians.

Diſputes relative to ſaid lands have happened between ſaid Indians and others.

them and the white inhabitants ſettled on the ſaid lands. *And whereas* the ſaid Indians, and the ſaid white inhabitants, have, by petition, ſeverally ſolicited legiſlative interference in the premiſes: Therefore,

Three commiſſioners appointed for ſettling ſuch diſputes.

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame, That Samuel Jones, Ezra L'Hommedieu, and Zina Hitchcock, be, and they hereby are appointed commiſſioners for ſettling and adjuſting all differences which have ariſen, or may ariſe between the Indians reſiding on the ſaid lands, and between them and the ſeveral tribes of Indians claiming an intereſt in the ſaid lands, and between the ſaid Indians and the ſaid white inhabitants.

And be it further enacted by the authority aforeſaid, That it ſhall be the duty of the ſaid commiſſioners, as ſoon as may be after the firſt day of May next, to repair to Brothertown, and thereto examine into all differences which may have ariſen between the ſaid Indians, and between the ſaid Indians and the ſaid white inhabitants, and to hear the ſeveral allegations and proofs of the ſaid parties.

Commiſſioners to ſet apart one entire piece of ſaid tract for the uſe of the Brothertown Indians and others.

And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for the ſaid commiſſioners to ſet off part of the ſaid tract in one entire piece, for the uſe of the Indians now reſiding in Brothertown, and for ſuch other Indians as may be entitled to land in Brothertown; notwithſtanding any leaſe or leaſes made by individual Indians, to any white perſon or perſons, whether reſident on the ſame land or not: *Provided*, That ſuch piece ſo to be ſet off, ſhall not contain leſs than ſix, nor more than ten thouſand acres.

And to make a diviſion of the remainder among thoſe who have obtained leaſes from the Indians, and give them deeds for the ſame.

And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for the ſaid commiſſioners, to make a diviſion of the remainder of the land in Brothertown, among ſuch perſons as have obtained leaſes from individual Indians, or claim under ſuch leaſes; if ſuch leſſees and ſuch claimants were actually reſident on, and occupying of the ſaid land on or before the twenty-ſeventh day of December laſt, in ſuch proportion, as they in their judgment ſhall deem equitable, taking into conſideration, in ſuch apportionment, the improvements which may have been made by any of the ſaid leſſees, on the lands which the ſaid commiſſioners ſhall appropriate for the ſettlement of Indian families or individual Indians; and to ſell the ſame to the ſaid perſons in Brothertown, ſo having obtained leaſes, or claiming under leaſes from individual Indians as aforeſaid, and who were ſo actually reſident on, and occupying of the ſaid lands, at ſuch price, and on ſuch payments, as they in their judgment ſhall deem moſt advantageous to the ſtate, and leaſt oppreſſive to the purchaſers: and in behalf of the people of this ſtate, to give conveyances for the ſame lands, and to take mortgages for the payment of the purchaſe money in the name of the people of this ſtate, to cauſe the ſame to be regiſtered in the proper office; and to deliver the originals, together with all the purchaſe money they may receive, to the treaſurer of this ſtate: *Provided always*, That if any ſuch white inhabitant ſhall refuſe to make ſuch purchaſe as aforeſaid, and to give a mortgage for the purchaſe money; and to give up the leaſe or leaſes which he may have obtained from an individual Indian or Indians, or the aſſignment of ſuch leaſe or leaſes; then and in that caſe, it ſhall and may be lawful for the commiſſioners to ſell the ſame land to any other white

habitant reſident in Brothertown, and occupying of the ſaid land on or before the twenty-ſeventh day of December laſt.

No perſon to be diſpoſſeſſed who hath a leaſe for ten years from the Indians in their collective capacity.

And be it further enacted by the authority aforeſaid, That it ſhall not be lawful for the ſaid commiſſioners, to diſpoſſeſs any white inhabitant in Brothertown, of the poſſeſſion of the lands he occupies or holds by leaſe for ten years heretofore given, bona fide, by the Indians reſiding in Brothertown, in their collective capacity, at the time of making ſuch leaſe: *Provided,*

Lands not to be ſold at a leſs price than ſixteen ſhillings per acre.

And be it further enacted by the authority aforeſaid, That the ſaid lands ſhall not be ſold for leſs than ſuch ſum in the aggregate, as that the mean price ſhall be at leaſt ſixteen ſhillings per acre. *And provided* that no ſale ſhall be made to any perſon who was not actually reſident on, and occupying part of the ſaid land on the twenty ſeventh day of December laſt.

And be it further enacted by the authority aforeſaid, That the monies ariſing from the ſale of lands ſo to be made as aforeſaid, after deducting the expences which may ariſe in carrying this act into effect, ſhall by the treaſurer be veſted in the funds of the United States. And ſo much of the intereſt thereof as may be neceſſary, ſhall be annually applied for maintaining a ſchool in Brothertown, for the education of Indian children; and the remainder of the intereſt, if any, ſhall be applied to the benefit of the Indians reſiding in Brothertown, and ſuch other Indians as have a right in the ſame lands, and ſhall be ſettled thereon, in ſuch manner as the perſon adminiſtering the government of this ſtate for the time being, ſhall judge proper.

If the majority of the Indians ſhall incline to have the aforeſaid tract ſet apart for their uſe, divided among their individual families, then the commiſſioners are to divide the ſame.

And be it further enacted by the authority aforeſaid, That if a majority of the ſaid Indians actually reſident, ſhall incline to have the whole of the ſaid tract ſo to be ſet apart divided into lots, to be ſpecially appropriated to the heads of families reſpectively, or to any Indian having no family, and who is by law entitled to part of the ſaid tract; then the ſaid commiſſioners ſhall cauſe the ſame to be laid into ſuch a number of lots, not leſs than ſhall be ſufficient, as well for the Indian families actually reſident, as for other Indian families entitled by law; and the contents of ſuch lots ſeverally, as well of the appropriation thereof to any particular family, ſhall be in the diſcretion of the ſaid commiſſioners: but if the ſaid Indians ſhould not collectively agree to ſuch an arrangement, then the ſaid commiſſioners may lay out a lot for each family, which may chooſe to have the ſame ſo ſpecially appropriated, and ſhall cauſe a regiſter of every ſuch appropriation to be made in a book to be provided for that purpoſe, deſcriptive of the ſeveral lots, together with the name of the head of the Indian family or individual Indian, to whom any lot may be ſo appropriated, and the names of all the members of the ſame family, their age and ſex; and every lot ſo appropriated, as well as the whole tract ſo to be ſet apart, and of which no ſuch appropriations ſhall be made, ſhall be to the uſe of the ſaid Indians, either collectively as a body of people, or individually by families (as the caſe may be) and ſhall remain to them and their poſterity for ever, as an eſtate or eſtates unalienable, and without the power of leaſing; and ſuch book as aforeſaid, being certified by the ſaid commiſſioners, ſhall be filed in the office of the ſecretary of this ſtate; and one copy thereof in the clerk's office of the county of Herkemer, to remain in the ſaid offices as part of the public records.

And be it further enacted by the authority aforeſaid, That it ſhall be the duty of the ſurveyor-general to run the out-lines of the tract commonly called Brothertown, and to make and perform all other ſurveys within the ſame, which the ſaid commiſſioners ſhall direct, and to make two maps thereof, and to deliver the ſame, together with two field-books to the ſaid commiſſioners, to be by them filed, with the books in manner aforeſaid.

Surveyor-general to ſurvey the out-lines of Brothertown, &c.

And be it further enacted by the authority aforeſaid, That the ſaid commiſſioners be, and they hereby are authorized and empowered to ſettle and adjuſt any other differences and diſputes between the ſaid Indians, and between the ſaid Indians and the ſaid white inhabitants, reſpecting the aforeſaid lands, and not provided for by this act, in ſuch manner as they ſhall judge equitable: which deciſion ſhall be binding on the parties.

Commiſſioners empowered to ſettle diſputes, not particularly provided for by this act.

And be it further enacted by the authority aforeſaid, That any two of the ſaid commiſſioners ſhall be a quorum, to do and tranſact every matter and thing enjoined by this act. And the ſaid commiſſioners, beſides the expences, ſhall be allowed ſuch reaſonable compenſation, as the legiſlature ſhall hereafter direct.

And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for the treaſurer of this ſtate, to pay to the ſaid commiſſioners, or to their order, a ſum not exceeding one thouſand pounds, to enable them to defray the expences of the ſurveys herein before mentioned, and ſuch other contingent charges, as ſhall from time to time accrue in the execution of the duties enjoined them by this act: and the ſaid commiſſioners ſhall render true and juſt accounts of all ſuch expenditures to the auditor of this ſtate, and ſhall report their proceedings to the legiſlature at their firſt meeting next after they ſhall have compleated the ſame.

CHAP. XLII.

An ACT *to erect Part of the Counties of Albany and Otſego into a ſeparate County.*

Paſſed the 6th of April, 1795.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That from and after the firſt day of June next, all that tract of the counties of Albany and Otſego, comprehended within the following boundaries, beginning at the north-weſt corner of the manor of Renſſelaer, and running thence ſoutherly along the weſterly line thereof, to the ſouth-weſt corner of the ſaid manor; thence weſterly on a direct line to the place where the Ulſter county line croſſes the Schoharie creek; thence along the ſaid line to lake Utſeyantho and Harpersfield; thence weſterly along the northern boundary line of Harpersfield, to the ſouth-weſt corner of the town of Dorloch; and thence northerly along the bounds of the towns of Cherry Valley and Dorloch, to the north-weſt corner of the ſaid town of Dorloch; thence eaſterly along the diviſion line of the counties of Montgomery and Otſego, to the north-weſt corner of the county of Albany; thence along the diviſion line between the counties of Albany and Montgomery, eaſterly to Duaneſborough; and thence along the weſterly and ſoutherly bounds of Duaneſborough, to the place of beginning, ſhall be, and hereby is erected into a ſeparate county, and ſhall be called and known by the name of Schoharie.

And be it further enacted, That there shall he held in and for the said county of Schoharie, a court of common pleas and a court of general sessions of the peace; and that there shall be three terms of the same courts in the said county, in every year, to commence and end as follows: that is to say, the first term of the said courts shall begin on the last Tuesday of May, and may continue to be held until the Saturday following, inclusive. And the second term of the said courts shall begin on the first Tuesday of October, and may continue to be held until Saturday following, inclusive. And the third term of the same courts shall begin on the first Tuesday of January, and may continue to be held until the Saturday following inclusive. And the said court of common pleas and general sessions of the peace, shall have the same jurisdiction, power and authorities in the said county, as the courts of common pleas and general sessions of the peace in the other counties of this state, have in their respective counties. *Provided*, that nothing in this act contained, shall be construed to affect any suit or action already commenced, or that shall be commenced before the first Tuesday in October next, so as to work a wrong or prejudice to any of the parties therein, or to affect any criminal or other proceedings on the part of the people of this state; but all such civil and criminal proceedings, shall and may be prosecuted to trial, judgment and execution, as if this act had never been passed.

And be it further enacted, That until other legislative provision be made in the premises, the said court of common pleas and general sessions of the peace, in the said county, shall be held at the house of Johannis Ingold, in the town of Schoharie.

And be it further enacted, That the freeholders and inhabitants of the said county hereby erected, shall have and enjoy all and every the same rights, powers and privileges, as the freeholders and inhabitants of any other county in this state are by law entitled to, have and enjoy.

And be it further enacted, That it shall and may be lawful for all courts and officers of the said county of Schoharie, in all cases civil and criminal, to confine their prisoners in the gaol of the county of Albany, until a gaol shall be provided in the said county of Schoharie.

And be it further enacted, That it shall and may be lawful for the freeholders and inhabitants of the said county of Schoharie, to build and erect a court-house and gaol in the said county, at such places as the judges and justices to be appointed for the said county, and the supervisors of the towns therein, or a major part of the same judges, justices and supervisors may direct and appoint, not exceeding one mile and a half from the junction of the Cobus kill and Schoharie road.

CHAP. XLIII.

An ACT *making further Provision for Fortifications within this state.*

Passed the 6th of April, 1795.

WHEREAS fortifications have been commenced within this state, in conformity to the act, entitled, "An act authorizing the erecting of fortifications within this state;" and unless the prosecution of the same be continued, the works already begun, but not compleated, will go to ruin.

AND WHEREAS the object of the contemplated fortifications, is of the first importance to the safety and interest of the people of this state:—Therefore,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame, That it ſhall and may be lawful for the treaſurer of this ſtate, and he is hereby required to pay the commiſſioners appointed by the ſecond ſection of the ſaid act, upon warrant of the perſon adminiſtering the government of this ſtate for the time being, a ſum not exceeding twenty thouſand pounds, out of any monies in the treaſury not appropriated, to be by the commiſſioners laid out and expended for compleating and making ſuch fortifications, as by the ſaid act were intended to be erected. *Provided always,* That no part of the ſaid money ſhall be expended other than for compleating, making, and repairing the fortifications on Governor's iſland, Bedlow's iſland and Oyſter iſland, in the city of New-York.

CHAP. XLIV.

An ACT *to amend the Act, eſtabliſhing the Rates of Wharfage in the City of New-York.*

Paſſed the 6th of April, 1795.

WHEREAS it hath been repreſented to the legiſlature, that the preſent rates of wharfage are inadequate for the purpoſes of building, keeping in repair, and maintaining the wharves in the city of New-York, by reaſon of the advanced price of labour and materials:—Therefore,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, That from and after the firſt day of May next, it ſhall and may be lawful to and for the preſent owners and proprietors of the ſaid mentioned wharves, or the owners or proprietors thereof for the time being, to aſk, demand, take and receive, to and for their ſeveral and reſpective uſes, for all ſhips and veſſels uſing, or that ſhall uſe the ſame; that is to ſay, for every foreign veſſel under the burthen of ſixty tons, at and after the rate of four ſhillings per day; for every ſhip or other veſſel, of the burthen of ſixty tons, and under the burthen of one hundred tons, at and after the rate of four ſhillings per day; for every ſhip or other veſſel of the burthen of one hundred tons, and under the burthen of one hundred and fifty tons, at and after the rate of five ſhillings per day; for every ſhip or other veſſel of the burthen of one hundred and fifty tons, and under the burthen of two hundred tons, at and after the rate of ſix ſhillings per day; for every ſhip or other veſſel of the burthen of two hundred tons, and under the burthen of two hundred and fifty tons, at and after the rate of ſix ſhillings and ſix pence per day; for every ſhip or other veſſel of the burthen of two hundred and fifty tons, and under the burthen of three hundred tons, at and after the rate of ſeven ſhillings and ſix pence per day; for every ſhip or other veſſel of the burthen of three hundred tons, and under the burthen of four hundred tons, at and after the rate of eight ſhillings per day; for every ſhip or other veſſel of the burthen of four hundred tons, and under the burthen of five hundred tons, at and after the rate of nine ſhillings per day: for every ſhip or other veſſel of the burthen of five hundred tons, and under the burthen of ſix hundred tons, at and after the rate of ten ſhillings per day; for every ſhip or other veſſel of the burthen of ſix hundred tons and upwards, to pay ſix pence for every fifty tons, in addition to the rate laſt mentioned, for every day that ſuch ſhip or veſſel reſpectively ſhall uſe, and be made faſt to any of the wharves herein mentioned.

Provided always, That nothing in this act contained, shall be construed, deemed or taken to establish a rate of wharfage for vessels employed between one part and another within this state, or for any coasting vessel belonging to the citizens of the United States, of a burthen not exceeding sixty tons; and that the masters or owners of such vessels, and owners of wharves, may adjudge the wharfage to be paid for such last mentioned vessels, on such terms as they may from time to time mutually agree upon; and in case of a difference between the master of any such vessel last mentioned, and the owner or owners of any wharf, the same shall be determined by the master and wardens of the port of New-York, whose decision shall be final.

And be it further enacted, That the first section of the act, entitled, "An act to establish the rates of wharfage and cranage within the city of New-York," passed 17th April, 1784, shall be, and hereby is repealed.

CHAP. XLV.

An ACT *to encourage certain Manufactories within this State.*

Passed the 6th of April, 1795.

WHEREAS James Caldwell of the city of Albany, hath by his memorial, represented to the legislature, that the extensive works erected by him in the vicinity of that city, have been consumed by fire, and hath prayed a loan from the state, without which he will be unable to carry on his useful and important manufactories:—Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the treasurer of this state shall be, and he is hereby authorized and directed to advance on loan to the said James Caldwell, out of any monies in the treasury not otherwise appropriated on the first day of May next, a sum not exceeding eight thousand pounds.

And whereas Josiah G. Pierson hath also represented, that he has established a manufactory of nails, upon an improved plan, which is capable of being greatly extended by being constructed so as to go by water; which, for want of a sufficient capital, he is at present unable to execute, and hath also prayed for a loan from the Senate:—Therefore,

Be it further enacted, That the treasurer of this state shall be, and he is hereby authorized and directed, to advance on loan to the said Josiah G. Pierson, out of any money in the treasury not otherwise appropriated, on the day herein before mentioned, a sum not exceeding four thousand pounds.

AND WHEREAS John Boyd hath represented to the legislature, that a valuable set of works for the making scythes, erected by him in the town of New Windsor, in the county of Ulster, have been destroyed by fire; and he hath also prayed for a loan of money from the State, to enable him to re-establish and carry on the said manufactory:—Therefore,

Be it further enacted, That the treasurer of this state shall be, and he is hereby authorized and directed, out of any money in the treasury not otherwise appropriated, on the day herein before mentioned, to advance on loan to the said John Boyd, a sum not exceeding fifteen hundred pounds.

Provided, That the said James Caldwell, Josiah G. Pierson, and John Boyd, shall, previous to receiving any of the monies directed to be paid by virtue of this act, severally enter into bond to the people of the state of New-York, conditioned for the faithful payment of such sum of money as shall be loaned to either of the said persons in manner aforesaid, in six years from

the date of the ſaid obligation, together with intereſt annually for the ſame, at the rate of ſix per cent. per annum; and that the ſaid James Caldwell, Joſiah G. Pierſon, and John Boyd, ſhall alſo ſeverally execute to the ſaid treaſurer, good and ſufficient mortgages upon ſuch unincumbered real eſtate, as the ſaid treaſurer, together with the attorney general and ſurveyor-general, or together with either of them, ſhall think ſufficient (excluſive of any buildings erected on the ſame) for ſecuring the ſum of money loaned by this act, to each of the ſaid perſons as aforeſaid, with the intereſt on the ſame as aforeſaid, which ſaid mortgages the treaſurer is hereby directed to get duly recorded, and to hold the ſame for the uſe of the people of this ſtate. *And provided alſo*, That before any money ſhall be advanced on loan as herein before directed, the ſaid James Caldwell, Joſiah G. Pierſon, and John Boyd, ſhall ſeverally give ſuch ſecurity to the treaſurer, as he ſhall deem ſufficient, that the money received by them reſpectively, in virtue of this act, ſhall, bona fide, be applied to the purpoſe of proſecuting their ſeveral manufactories within this ſtate.

CHAP. XLVI.

An ACT *for the Relief of Paul Schenck.*

Paſſed the 6th of April, 1795.

WHEREAS it appears that the principal ſum of ſix hundred and thirty-five pounds four ſhillings and two pence, is due from this ſtate to Paul Schenck, of the town of Poughkeepſie, merchant, as ſurvivor of Paul Schenck, and John I. Schenck, deceaſed, for ſervices performed, and ſupplies furniſhed by the ſaid Paul and John I. Schenck, for the uſe of certain troops of the United States during the late war; and that the ſaid ſum has been credited to this ſtate, in account with the United States:—Therefore,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, That the treaſurer of this ſtate be, and he is hereby authorized and required to pay to the ſaid Paul Schenck, or his lawful repreſentatives, the ſaid ſum of ſix hundred and thirty-five pounds four ſhillings and two pence, together with the intereſt thereof, at the rate of five per centum per annum from the firſt day of January, in the year one thouſand ſeven hundred and eighty-ſeven, out of any monies in the treaſury not otherwiſe appropriated, in full compenſation for the ſaid ſupplies and ſervices.

Provided however, That the ſaid Paul Schenck, before he ſhall be entitled to receive any of the ſaid monies, ſhall give ſufficient ſecurity to the treaſurer of this ſtate, to be approved of by the ſaid treaſurer, that he, the ſaid Paul Schenck, his heirs, executors or adminiſtrators, ſhall refund the ſaid monies, with the intereſt thereof, if it ſhall hereafter appear that the legal repreſentatives of the ſaid John I. Schenck, or any of them are entitled to the ſame.

CHAP. XLVII.

An ACT *for the Relief of James Monnell.*

Paſſed the 6th of April, 1795.

WHEREAS the auditor of this ſtate, on the fourteenth day of July, in the year of our Lord one thouſand ſeven hundred and eighty-five, ſettled the accounts of James Monnell, one of the aſſiſtant State agents, who thereupon received a certificate for the balance appearing to be due to him on ſuch ſettlement: But it appears to the legiſlature, that the auditor aſter-

wards, by direction of the committee appointed to adviſe him, ſettled the accounts of the other aſſiſtant ſtate agents upon principles different from thoſe adopted in the ſaid ſettlements of the accounts of the ſaid James Monnell:—In order therefore to do equal juſtice to the ſaid James Monnell,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame, That it ſhall and may be lawful for the auditor of this ſtate, and he is hereby directed to review his ſaid ſettlement of the accounts of the ſaid James Monnell, and to liquidate and ſettle the ſaid accounts of the ſaid James Monnell, upon the ſame principles which prevailed in the ſettlement of the accounts of the other aſſiſtant ſtate agents, and to allow him intereſt, at the rate of five per cent. per annum, on the balance that may appear to be due to him from the date of the ſaid former ſettlement. And the treaſurer is hereby directed to pay to the ſaid James Monnell, ſuch ſum as ſhall be certified by the ſaid auditor to be due to him for principal and intereſt, out of any money in the treaſury not otherwiſe appropriated.

CHAP. XLVIII.

An ACT *for the Relief of Daniel Outwater.*

Paſſed the 6th of April, 1795.

WHEREAS it appears, that Daniel Outwater, hath for a long time been confined in the gaol of Dutcheſs county, by virtue of an execution iſſued out of the court of exchequer of this ſtate, on a judgment for one hundred pounds, obtained againſt him in the ſaid court in favour of the people of this ſtate, on a recognizance conditioned for the appearance of the ſaid Daniel Outwater, at a court of oyer and terminer, to be held in and for the ſaid county, which recognizance was forfeited to the ſaid people. AND WHEREAS the ſaid Daniel hath ſince appeared at the laſt court of oyer and terminer held in and for the ſaid county, and anſwered to the charge for which he was ſo recognized to appear, and thereupon was acquitted from the ſaid charge; and the ſaid Daniel is altogether unable to pay the amount of the ſaid judgment, or any part thereof:—Therefore,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, That it ſhall be lawful for the ſheriff of the ſaid county of Dutcheſs, and he is hereby required to releaſe and diſcharge the ſaid Daniel from his ſaid impriſonment on the ſaid execution.

CHAP. XLIX.

An ACT *for the Relief of the Repreſentative of Francois Duliepvre, deceaſed.*

Paſſed 6th of April, 1795.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly,* That it ſhall be lawful for the coroner of the city and county of New-York, and he is hereby required to deliver unto Pierre de Verry and Reinier, John Vanden Broeck, attornies of Michael Aſmer, executor of the laſt will and teſtament of Francois Duliepvre, deceaſed, who, by an inqueſt taken by the ſaid coroner, was found guilty of ſuicide, all the goods and chattels of the ſaid Francois Duliepvre, which were taken by the ſaid coroner into his poſſeſſion for the uſe of the people of this ſtate, in conſequence of the ſaid inqueſt.

CHAP. L.

An ACT *for the Encouragement of Artillery-Men in the City of New-York.*

Paſſed the 6th of April, 1795.

WHEREAS it is of the higheſt importance to the ſecurity and defence of this ſtate, that an effectual corps of artillery ſhould be in readineſs in the city of New-York, to man and protect the works in the ſaid city and its vicinity.

And whereas it is expedient, that encouragement ſhould be afforded by the legiſlature, as well to accompliſh this object, as to compenſate the men who engage in that ſervice, for the extraordinary trouble and expence to which they are neceſſarily ſubjected:—Therefore,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, That any non-commiſſioned officer or private of any company of artillery within the city and county of New-York, who ſhall produce a certificate dated within three months of the then preſent time, ſigned by the captain of ſuch company, and counter-ſigned by the commandant of the regiment or brigade to which ſuch company belongs, that he belongs to ſuch company, ſhall not be compelled to ſerve on any grand or petit jury within this ſtate.

And be it further enacted, That it ſhall be the duty of the ſeveral aſſeſſors within the city and county of New-York, whenever they have aſſeſſed the property of any non-commiſſioned officer or private as aforeſaid, or property for which he is bound to pay the taxes for the purpoſe of levying a tax to defray the contingent expences of the ſaid city and county, upon producing ſuch certificate, to deduct from ſuch aſſeſſment the ſum of two hundred pounds, and the reſidue only ſhall be the ſum for which he ſhall be aſſeſſed.

And be it further enacted, That any non-commiſſioned officer or private as aforeſaid, who ſhall produce a certificate ſigned and counter ſigned as aforeſaid, that he has ſerved faithfully in ſaid company for the term of ſeven years, to be computed from the time of his entering ſaid company after the paſſing of this act, ſhall for ever thereafter be exempted from all military ſervices within this ſtate, unleſs in caſes of invaſion or inſurrection.

CHAP. LI.

An ACT *to enable the Mayor, Aldermen and Commonalty of the City of New-York, to raiſe by Lottery, a Sum not exceeding ten thouſand Pounds for the Purpoſes therein mentioned.*

Paſſed the 6th of April, 1795.

WHEREAS the mayor, aldermen, and commonalty of the city of New-York, by their petition, have repreſented to the legiſlature that the buildings appropriated for the reception of the poor and indigent inhabitants of the ſaid city are ſo decayed, that it will be difficult, if not impoſſible, to accommodate with any degree of comfort, thoſe perſons whoſe unfortunate lot it may be to be placed therein during the enſuing winter; and that they have, with the money raiſed by tax on the ſaid city, provided a conſiderable quantity of materials for the purpoſe of erecting a new building; but by reaſon of the expenſive and neceſſary annual improvements in the ſaid city ſince the late war, which have been borne by the inhabitants thereof with great ch

Mayor, aldermen, and commonalty of N. York, have prayed leave to raiſe 10,000l. by lottery, for erecting certain public buildings.

fulneſs, it would be too great a burden on them to raiſe the monies which will be required for the erection of this neceſſary building, by an immediate tax, and have therefore prayed that a law may be paſſed to authorize them to raiſe a ſum not exceeding ten thouſand pounds, by lottery.

And whereas the ſaid city from its ſituation, is neceſſarily the recepticle of a greater proportion of paupers, than any other city or county within this ſtate; and the erection of ſuch a building in the ſaid city would be highly beneficial to the ſame; and it is but juſt and reaſonable, that conſidering the great burdens heretofore borne by the ſaid inhabitants for the improvement of the ſaid city, that relief ſhould be offered to the ſaid city in the manner prayed for:—Therefore,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, That it ſhall and may be lawful for the mayor, aldermen and commonalty of the city of New-York, to raiſe a ſum not exceeding ten thouſand pounds, by a lottery to be made for that purpoſe, and to apply the proceeds thereof to the diſcharge of the expences to ariſe for the erection of the ſaid building: And in order to carry ſuch lottery into effect,

10,000l. to be raiſed by lottery, for erecting ſaid building.

Be it further enacted, That it ſhall and may be lawful for the ſaid mayor, aldermen and commonalty of the city of New-York, to employ ſuch fit perſon or perſons under them, to ſell the tickets and manage the ſaid lottery, in ſuch way, and under ſuch regulations, as they ſhall judge proper.

Proper perſons to be appointed to manage ſaid lottery.

And be it further enacted, That if any perſon or perſons ſhall forge or counterfeit any ticket or tickets, to be made in virtue of this act, or alter any number thereof, or utter or offer for ſale, or ſell to any perſon or perſons, any forged or counterfeited ticket or tickets, or any ticket or tickets whereof the number is altered, knowing them to be ſuch, or bring the ſame to any of the managers, with an intent to defraud the ſaid mayor, aldermen, and commonalty of the city of New-York, or any adventurer in the ſaid lottery; every ſuch perſon or perſons being thereof convicted according to the due courſe of law, ſhall be adjudged a felon, and ſuffer the puniſhment of confinement in priſon during his natural life.

Penalty for forging or counterfeiting any of the tickets in ſaid lottery.

And be it further enacted, That the ſaid mayor, aldermen, and commonalty of the city of New-York, ſhall report to the legiſlature at their next meeting, the ſtate and progreſs of the ſaid lottery, and to every ſucceeding legiſlature, until the object of the ſaid lottery ſhall be accompliſhed.

Report of the progreſs of ſaid lottery to be made to the legiſlature.

CHAP. LII.

An ACT *relative to Roads and Highways in the City of Hudſon.*

Paſſed the 6th of April, 1795.

WHEREAS the mayor, recorder, aldermen and commonalty of the city of Hudſon, have by their petition, repreſented, that it would promote the intereſt of the inhabitants of the ſaid city, that a law ſhould be paſſed, enabling the ſaid mayor, recorder, aldermen and commonalty, to raiſe a ſum of money by tax, inſtead of aſſeſſing days labour, for the purpoſe of making, repairing, and improving the roads and highways within the ſaid city:—Therefore,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, That it ſhall and may be lawful for the mayor, recorder, al-

dermen and commonalty of the city of Hudſon, in common council convened, or a major part of them, to raiſe a ſum of money annually upon the freeholders and inhabitants of the ſaid city, not exceeding the ſum of three hundred pounds, for the purpoſe of making, repairing and improving the roads and highways therein, to be aſſeſſed, collected and paid in ſuch manner as the other contingent charges of the ſaid city are directed by law to be aſſeſſed, collected and paid: Provided nevertheleſs,

And be it further enacted, That any tax to be aſſeſſed by virtue of this act on the freeholders and inhabitants of the ſaid city, ſhall in no inſtance be more than ſix pounds for any one individual in one year.

And be it further enacted, That this act ſhall continue and remain in force for the term of four years, and no longer, from and after the paſſing the ſame.

CHAP. LIII.

An ACT *for the Preſervation of the Fiſhery in that Part of Croton River, which lies in the County of Weſtcheſter.*

Paſſed 6th of April, 1795.

WHEREAS it hath been repreſented, by the petition of a number of the inhabitants of the county of Weſtcheſter, living near Croton river, that the common privilege of taking fiſh in the ſaid river, is greatly obſtructed, by ſetting nets and ſikes acroſs the ſaid river between ſun-ſet and ſun-riſe in the months of April and May, in every year, whereby the free paſſage of fiſh up the ſaid river is greatly obſtructed: For remedy whereof,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, That if any perſon or perſons ſhall, between ſun-ſet and ſun-riſe in the months of April and May in any year hereafter, ſet or place any net or ſike, or cauſe the ſame to be ſet or placed in or acroſs that part of Croton river, which is in the county of Weſtcheſter, ſhall for every ſuch offence forfeit and pay the ſum of forty ſhillings, to be recovered by action of debt, with coſts of ſuit, by any perſon or perſons who will proſecute for the ſame, before any juſtice of the peace in and for the ſaid county; the one half of which ſum when ſo recovered, ſhall be for the uſe of the poor of the town where the offence ſhall be committed, and the other half for the uſe of the perſon or perſons proſecuting for the ſame.

CHAP. LIV.

An ACT *for the Relief of Samuel Waterhouſe and others.*

Paſſed the 6th of April, 1795.

WHEREAS Samuel Waterhouſe, Abraham Waterhouſe, Abraham Waterhouſe, jun. Joſiah Waterhouſe, Roſwell Hopkins and Iſaac Hopkins, did on the 29th day of January, one thouſand ſeven hundred and eighty-two, purchaſe of Chriſtopher Yates and John Lanſing, junior, commiſſioners for procuring a ſum in ſpecie, ſix ſeveral tracts of land, each containing five hundred acres, being part of a tract of land ſituated in the county of Waſhington, commonly called Skeen's little patent, and paid into the treaſury of this ſtate, the ſum of one hundred and ſeventy-five pounds for each of the ſaid tracts, being at the rate of ſeven ſhillings per acre. *And whereas* the quantity of one thouſand three hundred and twenty-one acres of the ſaid land, being part of each of the ſaid five hundred acre tracts, is held and claimed under, and has become part of the ſtate of Vermont, ſo that the

ſaid purchaſers have loſt the ſame; and it being proper that retribution ſhould be made to the purchaſers aforeſaid: Therefore,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame, That the treaſurer of this ſtate ſhall be, and he is hereby directed out of any monies now in the treaſury not otherwiſe appropriated, to pay unto the judges of the court of common pleas for the county of Waſhington, or the major part of them, or to their order, the ſum of four hundred and ſixty-two pounds ſeven ſhillings, with the intereſt thereon, at and after the rate of five per cent per annum, to be computed from the time the ſaid purchaſe money was paid into the treaſury as aforeſaid; and the ſaid judges, or a major part of them, ſhall divide the ſame among them the ſaid Samuel Waterhouſe, Abraham Waterhouſe, Abraham Waterhouſe, junior, Joſiah Waterhouſe, Roſwell Hopkins, and Iſaac Hopkins, or their aſſigns, in proportion to the land ſo loſt by them reſpectively as aforeſaid, and ſhall take from them reſpectively, or from the perſon or perſons entitled under them to the lands ſo loſt, a releaſe of their eſtate, right and title therein to the people of the ſtate of New-York, and depoſit the ſame releaſes in the office of the treaſurer of this ſtate.

And be it further enacted by the authority aforeſaid, That the ſums ſo allowed as aforeſaid, to the ſaid Samuel Waterhouſe, Abraham Waterhouſe, Abraham Waterhouſe, junior, Joſiah Waterhouſe, Roſwell Hopkins, and Iſaac Hopkins, ſhall be conſidered as a full compenſation for the lands ſo purchaſed by them reſpectively, and ſo held under the ſtate of Vermont, as aforeſaid.

CHAP. LV.

An ACT *relative to the Academy in the Town of Schenectady.*

Paſſed the 6th of April, 1795.

WHEREAS the corporation, known by the name of "The truſtees of the academy of the town of Schenectady," have by their petition preſented to the legiſlature, prayed that an act might be paſſed, authorizing them to tranſfer and convey in legal form, for the uſe of the college herein after mentioned, all and ſingular the property, real and perſonal, belonging to them, and that thereafter the ſaid corporation may ceaſe;—Therefore,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame, That it ſhall be lawful for the ſaid corporation to grant, convey, and aſſign all and ſingular the meſſuages, lands, tenements, and other real eſtate, and all and ſingular the monies, ſpecialties, effects, and other perſonal eſtate, held and poſſeſſed by them, to the corporation lately created, and known by the name of "The truſtees of Union College, in the town of Schenectady, in the ſtate of New-York," and their ſucceſſors and aſſigns for ever, to and for the uſe of the ſaid college; and from and immediately after ſuch grant, conveyance and aſſignment, the ſaid corporation firſt above named ſhall ceaſe.

CHAP. LVI.

An ACT *concerning the Money paid into the Treaſury of this State, by the State of Vermont.*

Paſſed 6th of April, 1795.

Certain perſons were empowered to cede a certain part of this ſtate to Vermont, on ſuch conditions as they ſhould think proper.

WHEREAS by an act, entitled, "An act appointing commiſſioners with power to declare the conſent of the legiſlature of this ſtate, that a certain territory, within the juriſdiction thereof, ſhould be formed into a new ſtate," certain perſons therein named, were appointed commiſſioners with full power, or any four or more of them in their diſcretion, as they ſhould judge the peace and intereſt of the United States in general, and of this ſtate in particular, to require the ſame, and on ſuch terms and conditions, and in ſuch manner and form, as they ſhould judge neceſſary and proper, to declare the conſent of the legiſlature of this ſtate, that ſuch diſtrict or territory within the juriſdiction, and in the north eaſtern and northern parts thereof, as the ſaid commiſſioners ſhall judge moſt convenient, ſhould be formed and erected into a new ſtate, and with further full power to treat, conclude and agree with any perſon or perſons, or any aſſemblies or bodies of people touching the premiſes, or touching the ceding or relinquiſhing the juriſdiction of this ſtate, over ſuch diſtrict or territory, or touching the ſecuring, or confirming the rights, titles, or poſſeſſions of lands within ſuch diſtrict or territory, held or claimed under grants from the ſtate of New-Hampſhire, while a colony, or under grants, ſales or locations, made by authority of the government or juriſdiction, then exiſting and exerciſed in the north eaſtern parts of this ſtate, under the name and ſtile of the ſtate of Vermont, againſt perſons claiming the ſame lands, under grants from this ſtate while a colony, or ſince the independence thereof; and it was thereby further enacted, that whatever ſtipulations ſhould be made by the commiſſioners appointed by that act, with any perſon or perſons or any aſſemblies or bodies of people touching the premiſes, or touching the ceding or relinquiſhing the juriſdiction of this ſtate, over ſuch diſtrict or territory, or touching the ſecuring of rights, titles or poſſeſſions of lands within ſuch diſtrict, for a compenſation for extinguiſhing the claims to lands within ſuch diſtrict, as derived under the late colony of New-York, ſhould be for the uſe of ſuch claimants, although in ſuch ſtipulations, ſuch compenſation ſhould be declared to be for the uſe of this ſtate, or for the people thereof: And whereas ſix of the ſaid commiſſioners, by their certain act, bearing date the ſeventh day of October, in the year of our Lord, one thouſand ſeven hundred and ninety, did among other things declare, that the legiſlature of the ſtate of Vermont ſhould, on or before the firſt day of January one thouſand ſeven hundred and ninety-two, declare that on or before the firſt day of June, one thouſand ſeven hundred and ninety-four, the ſaid ſtate of Vermont would pay to the ſtate of New-York, the ſum of thirty thouſand dollars, that immediately from ſuch declaration by the legiſlature of the ſtate of Vermont, all rights and titles to land within the ſtate of Vermont, under grants from the government, under the late colony of New-York, or from the ſtate of New-York, except where the grants from New-York were intended as confirmations of grants from New Hampſhire, ſhould ceaſe: And whereas the legiſlature of the ſaid ſtate of Vermont by an act paſſed the twenty eighth day of October, in the year of our Lord one thouſand ſeven hundred and ninety, did enact, that the ſaid ſtate of Ver-

Reciting further, that the ſtate of Vermont by agreement was to pay 30,000 dollars to this ſtate.

mont ſhould, on or before the ſaid firſt day of June, one thouſand ſeven hundred and ninety-four, pay the ſtate of New-York the ſaid thirty thouſand dollars: And whereas a conſiderable part of the ſaid ſum of money hath been already paid to the treaſurer of the ſtate of New-York, and is now in the treaſury of the ſame ſtate; in order therefore, to make a juſt and equitable diſtribution of the ſaid money ſo paid, or hereafter to be paid amongſt the claimants to lands in the ſaid ſtate of Vermont, under grants from the late colony of New-York:

And that a conſiderable part of the ſum has been actually paid.

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame, That Robert Yates, John Lanſing, jun. and Abraham Van Veghten be, and they are hereby appointed commiſſioners, to hear and determine all claims to lands in the ſaid ſtate of Vermont, under grants from the late colony of New-York, not intended as confirmations of grants from New-Hampſhire; and that it ſhall and may be lawful for the ſaid commiſſioners, or the majority of them, to hear and determine the ſaid ſeveral claims, and to aſcertain what proportion, if any, each claimant ought to receive of the ſaid money, ſo paid by the ſaid ſtate of Vermont, and to give them certificates thereof; and the treaſurer of this ſtate is hereby required to pay the ſum mentioned in each of the ſaid certificates, to the perſon therein named. *Provided always,* That no part of the ſaid money ſhall be certified as due to the people of this ſtate, for any lands forfeited to their uſe by the attainder or conviction of any former proprietor, but that the ſame ſhall be divided, *pro rata,* between the individual claimants, whoſe claims ſhall be allowed and certified accordingly.

Robert Yates and others appointed commiſſioners to determine all claims.

And be it further enacted by the authority aforeſaid, That the ſaid commiſſioners, or a majority of them, ſhall, before they proceed to hear any of the ſaid claims, cauſe advertiſements to be publiſhed in ſuch and ſo many of the newſpapers to be printed in the ſtate of New-York, and in the ſtate of Vermont as they may think proper, requiring the claimants to exhibit their claims on or before a certain day, not leſs than nine months from the firſt publication of the ſaid advertiſements.

Commiſſioners to advertiſe when they will receive and examine ſuch claims.

And be it further enacted by the authority aforeſaid, That all claimants who ſhall not exhibit their claims to the ſaid commiſſioners, within one year next after the publication of the ſaid advertiſements, ſhall be precluded from all compenſation whatſoever, other than minors, feme coverts, and perſons inſane.

Claimants who do not deliver their claims by a certain day, to be for ever barred.

And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for the ſaid commiſſioners, or the majority of them at their diſcretion, to examine the ſaid claimants, or any or either of them, or any other perſon upon oath concerning the ſaid claims, or any or either of them, or any matter or thing relating to the ſame.

And be it further enacted by the authority aforeſaid, That the determination of the ſaid commiſſioners, or the majority of them, ſhall be binding and concluſive.

And be it further enacted by the authority aforeſaid, That the ſaid commiſſioners ſhall be allowed their reaſonable expences to be incurred in the execution of the duties enjoined by this act, to be liquidated by the auditor of this ſtate, and paid by the treaſurer out of any monies in the treaſury unappropriated, and ſhall be allowed ſuch farther compenſation as the legiſlature ſhall hereafter direct.

CHAP. LVII.

An ACT *for the Relief of certain Perſons claiming Lands in the Patents therein mentioned.*

Paſſed the 7th of April, 1795.

WHEREAS certain perſons claiming to be proprietors of a tract of land in the county of Saratoga, commonly called Anthony Van Schaick's, or the Halfmoon patent, of the one part, and certain agents, for other perſons, claiming to be proprietors of the tract of land, commonly called the patent of Kayaderoſſeres, did petition the legiſlature on the eleventh day of December, one thouſand ſeven hundred and ninety-two, in the words following, to wit: "To the honourable the legiſlature of the ſtate of New-York, in ſenate and aſſembly convened—The petition of the ſubſcribers, proprietors of the patent of Anthony Van Schaick, and the agents for the proprietors of the patent of Kayaderoſſeres, humbly ſheweth, that controverſies have ariſen between the claimants of the ſaid patent of Van Schaick, and the claimants under the ſaid patent of Kayaderoſſeres, touching the boundary lines between the ſaid patents, and which ſaid boundary lines are very extenſive and controverted: That the proſecution of ſuits in the ordinary courſe of law, to a final deciſion on the title and property of the whole of the lands in controverſy, will be attended with great expence and delay, and a manifeſt injury both to the intereſt of the individual claimants, and to the peace and weal of the community; and ſuch final deciſion on one trial or enquiry cannot be had under a voluntary compact between parties by reaſon of coverture and infancy of many of the claimants under the ſaid patents, without the aid of the legiſlature: That your petitioners lately entered into an agreement, a copy whereof is ſubjoined to this petition: Your petitioners therefore humbly pray, that they may have leave to bring into one of your honourable houſes, a bill conformably to the ſaid agreement, and that the ſame may afterwards paſs into a law; and your petitioners will ever pray." Which petition and agreement was ſubſcribed, "Dirck Lefferts, James I. Beekman, Daniel Campbell, Nicholas Low, Chriſtina Van Schaick, Jacob C. Ten Eyck, Anna Ten Broeck, Gerritje Faulkener, Conradt A. Ten Eyck, Barent Ten Eyck, Peter Ganſevoort, Margretta Barcley, Catherine Bridgen, Charles Bridgen, attorney to Thomas B. Bridgen."

The proprietors of Halfmoon, and the proprietors of Kayaderoſſeres patents petitioned to bring in a bill for ſettling their diſputes about boundaries.

AND WHEREAS another petition was preſented to the legiſlature on the fourteenth day of February, one thouſand ſeven hundred and ninety-three, in the words following, to wit: "To the honourable the legiſlature of the ſtate of New-York, in ſenate and aſſembly convened, the petition of the ſubſcribers, part owners and agents of the patent, called Shanandhoi or Clifton park, of the patent called Van Schaick's, and of the patent called Kayaderoſſeres, humbly ſheweth, That controverſies have ariſen, and do ſubſiſt between the ſaid ſeveral patents touching the boundary lines thereof, which are extenſive and various: That the proſecution of ſuits in the ordinary courſe of law, to a final deciſion of all the lands in controverſy, will be attended with great expence and delay, to the manifeſt injury of every individual concerned, and the peace and welfare of the community at large: That the petitioners have entered into an agreement (copy of which is hereunto annexed) to apply for legiſlative aid, as by reaſon of coverture, and the infancy of many, no final compact can be entered into by them, ſo as

Proprietors of Shanandhoi and Kayaderoſſeres patents petitioned for ſettling their diſputes about boundaries.

to bind all the parties. Your petitioners therefore humbly pray, that they may have leave to bring into one of your honourable houſes, a bill in conformity to the ſaid agreement, and that the ſame may be paſſed into a law; and your petitioners will ever pray. January 30th, 1793." Which petition and agreement was ſubſcribed "Henry Gage, by Peter Kemble and John Watts, his attornies, Robert Watts, Abraham Lott, Abraham Lott, for Samuel Huntington, Jacob C. Ten Eyck, Elizabeth Peebles, Margaret *her* X *mark* Barcley, Anna Ten Broeck, Peter Ganſevoort, Dirck Leſſerts, James J. Beekman, Abraham Schuyler, Mark Beekman, Leonard Ganſevoort, John Ja. Beekman, Nanning H. Viſſcher, Daniel Campbell, Barent Ten Eyck." Whereupon the leave prayed for in the ſaid ſeveral petitions was granted, and an act, entitled, "An act to aſcertain and ſettle the limits and boundaries between the patents of Kayaderoſſeres, the patent commonly called the Halfmoon patent, and the patent of Shanandhoi, or Clifton park, and to bind the title of the reſpective claimants," was paſſed on the eleventh day of March, one thouſand ſeven hundred and ninety-three; by which act Egbert Benſon, Samuel Jones, Jeſſe Woodhull, Cornelius C. Schoonmaker, and Peter Cantine, were appointed commiſſioners finally to aſcertain and determine the boundary lines of the ſaid reſpective patents; and by which act the ſaid commiſſioners, or any three of them, were authorized and empowered to hear and examine the ſaid controverſies, and finally by writing under the hands and ſeals of them, or any three of them, to fix, aſcertain and determine the boundary line or lines between the ſaid reſpective patents.

Said petitions granted.

And whereas three of the ſaid commiſſioners, to wit, Egbert Benſon, Samuel Jones, and Peter Cantine, by writing under their hands and ſeals, did, as by the ſaid act directed, fix, aſcertain and determine certain lines, as boundaries of the patents aforeſaid.

And whereas the proprietors of the ſaid patent of Anthony Van Schaick, or the Halfmoon patent, and the proprietors of the patent of Schanandhoi or Clifton park, had, previous to ſuch agreements, petitions and determination, as aforeſaid, leaſed part of the land ſuppoſed to be within the ſaid patents for terms of years, for life and lives, and in fee; and had alſo ſold part of the lands ſuppoſed to be in one or both of the ſaid patents, and in due form of law had executed leaſes, and deeds of releaſe for the land ſo leaſed and ſold to ſundry perſons not being parties to the ſaid agreements, and not ſubſcribing either of the ſaid petitions.

Lands in the Halfmoon and Shanandhoi patent, were leaſed and ſold.

And whereas no public notice was given by the ſaid petitioners, or any of them, that they intended to apply, nor after ſuch application as aforeſaid, that they had applied to the legiſlature for the purpoſes ſpecified in ſuch their agreement and petitions; for want of which notice the leſſees and purchaſers under the proprietors claiming lands in the ſaid patents of Anthony Van Schaick, or the Halfmoon patent, and in the patent of Shanandhoi or Clifton park, had not an opportunity afforded them to ſhew cauſe why the prayer of the ſaid petitioners ſhould not be granted.

The ſaid leſſees and purchaſers had no opportunity to ſhew cauſe.

And whereas ſuch leſſees and purchaſers as aforeſaid, and who were not previouſly adviſed of ſuch agreements and petitions, have prayed for legiſlative relief in the premiſes: Therefore,

Be it enacted and declared by the People of the State of New-York, repreſented in Senate and Aſſembly, That the title of no perſon whomſoever, claiming lands in either of the ſaid patents, by leaſe or by purchaſe, in fee ſimple, and who did not unite in an application to the legiſlature for the act, entitled, "An act to aſcertain and ſettle the limits and boundaries between the patent of Kayaderoſſeres, and the patent commonly called the Halfmoon patent, and the patent of Shanandhoi or Cliſton park, and to bind the title of the reſpective claimants," paſſed the 11th March, 1793, and who did not ſubſcribe ſuch agreements and petitions as aforeſaid, ſhall not be bound, or any ways affected by the determination of the commiſſioners, or any of them, made in purſuance of the proviſions in the ſaid act contained, any thing in the ſaid act to the contrary notwithſtanding.

Perſons claiming lands in ſaid Patents, not to be affected by the determination of the ſaid commiſſioners

And be it further enacted, That nothing in this act contained, ſhall be conſtrued, deemed or taken to annul or render void any agreement which, ſubſequent to the determination of the commiſſioners aforeſaid, hath been made and entered into by and between the proprietors of the patent of Kayaderoſſeres, or any of them, with any perſon or perſons claiming lands under the patent of Anthony Van Shaick, or the Halfmoon patent, or with any perſon or perſons claiming lands under the patent of Shanandhoi or Cliſton park, any thing in this act to the contrary hereof notwithſtanding.

CHAP. LVIII.

An ACT *relative to certain confiſcated Lands in the County of Saratoga.*

Paſſed the 8th of April, 1795.

WHEREAS it has been repreſented to the legiſlature, that one undivided third part of lot number ſeven, in the eighth allotment of the Kayaderoſſeres patent, and one undivided third part of lot number eight in the ſeventh allotment of the ſaid patent, as the ſame is claimed, ſurveyed and divided by and between the patentees of the ſaid patent, are forfeited to the people of this ſtate, by the attainder of Iſaac Low, late of the city of New-York. That the ſaid lots have been ſettled and improved by ſundry perſons and it being proper to give the pre-emption of the purchaſe of the ſaid undivided ſhares to the actual occupants thereof: Therefore,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame, That the ſurveyor-general ſhall, as ſoon as may be after the paſſing of this act, aſcertain what occupants are in the actual poſſeſſion of the ſaid lot number ſeven and what occupants are in the actual poſſeſſion of the ſaid lot number eight and having ſo aſcertained, ſhall ſell and quit claim on the part of the people of this ſtate; the one undivided third part of the ſaid lot number ſeven, to the actual ſettlers and occupants thereon, as tenants in common in fee ſimple; and ſhall in like manner ſell and quit claim the one undivided third part of the ſaid lot number eight, to the actual ſettlers and occupants thereon: *Provided*, That immediately after the executing ſuch quit claims, the grantees therein reſpectively named, ſhall execute mortgages for ſecuring to be paid to the people of this ſtate, the ſum of five hundred and ſixty-eight dollars, for the ſaid lot number ſeven, and the ſum of three hundred and three dollars for the ſaid lot number eight; both of which ſums ſhall be made payable on the firſt day of January, one thouſand eight hundred and five, with intereſt at ſix per cent. per annum; the intereſt to be annually paid into

treaſury of this ſtate, which mortgages ſhall be in like form as that preſcribed in the act, entitled, "An act for the relief of Nathaniel Mallory, and others," and which mortgages ſhall be good and effectual in the law, and ſhall be preferred to all other charges and incumbrances whatſoever, on the undivided ſhares in the ſaid lots ſo to be mortgaged, made or ſuffered, or to be made or ſuffered by any ſuch mortgagor or mortgagors. *And provided alſo*, That ſuch grantees as aforeſaid, ſhall pay all the expences which ſhall accrue in the premiſes. And the ſurveyor-general ſhall cauſe the mortgages ſo to be taken, to be proved or acknowledged and regiſtered according to law, and then deliver the ſame to the treaſurer of this ſtate.

CHAP. LIX.

An ACT *for the Relief of Peter Yates.*

Paſſed the 8th of April, 1795.

WHEREAS a court-martial was held by order of the governor of this ſtate, in the year one thouſand ſeven hundred and eighty, for the trial of certain delinquents in the regiments of militia then commanded by colonel Lewis Van Woort, and colonel Alexander Webſter: *And whereas* colonel Peter Yates, the Preſident of the ſaid court, became anſwerable to the perſons at whoſe houſes the ſaid court was held, for certain expences incurred by the members thereof, and which expences ought to have been paid out of the fines laid on the ſaid delinquents by the ſaid court; but before any of the ſaid fines could be collected, the inhabitants of Vermont extended their juriſdiction over the territory where the ſaid regiment reſided, which prevented the collection of the ſaid fines; and the ſaid expences have been demanded of the ſaid Peter Yates, and a ſuit or ſuits brought againſt him for the ſame, or ſome part thereof:—Therefore,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame, That it ſhall and may be lawful for the auditor of this ſtate, to audit, liquidate, and ſettle the accounts of the ſaid expences, and of the coſts and charges the ſaid Peter Yates has been put to by any ſuit or ſuits brought againſt him on account thereof, and to aſcertain and certify the ſum ſo due as aforeſaid. And the treaſurer is hereby directed to pay the amount thereof to the ſaid Peter Yates or his order.

CHAP. LX.

An ACT *for the Relief of Alexander Whaley and Abraham Mabie.*

Paſſed the 8th of April, 1795.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame*, That it ſhall be lawful for the treaſurer of this ſtate, and he is hereby directed to pay to Alexander Whaley, the ſum of four hundred and ſixty-five pounds, with lawful intereſt, from the twenty-firſt day of March, one thouſand ſeven hundred and eighty-five, in ſatisfaction of the money paid by him for twenty acres of land at Buſhwyck, in King's county, purchaſed by him of the people of this ſtate, and lately recovered from him by the heirs of Abraham Rapalje, deceaſed; and alſo the further ſum of one hundred and forty ſix pounds twelve ſhillings, for monies by him expended in defence of the ſaid lands, and for his coſts and diſburſements therein: *Provided always*, That the ſaid Alexander Whaley, ſhall on payment of the ſaid money, deliver the

conveyance for the ſaid twenty acres of land to the treaſurer of this ſtate, and releaſe all his right, title and intereſt, of and in the premiſes thereby conveyed to him, and all claim to any further compenſation for the ſame, to the people of this ſtate.

And whereas Abraham Mabie, purchaſed to the people of the ſtate of New-York, a certain piece of land with mills thereon, lying in the county of Orange, which was forfeited by the attainder of Cornelius Mabie.

And whereas the ſaid Abraham Mabie, ſold the ſaid land and mills to a certain John D. Haring, and covenanted that the ſame were free from incumbrance.

And whereas two ſeveral ſuits have been commenced in the court of common pleas, in the county of Orange, againſt the ſaid John D. Haring, as tenant of ſaid land, for legacies chargeable on the ſaid land, previous to the attainder of the ſaid Cornelius Mabie, and judgments have been had thereon.

And whereas the amount of the ſaid judgments, with the coſts of ſuit, have been paid by the ſaid Abraham Mabie, to the ſaid John D. Haring:—Therefore,

Be it further enacted by the authority aforeſaid, That it ſhall be lawful for the treaſurer of this ſtate, and he is hereby directed to pay to the ſaid Abraham Mabie, the ſum of one hundred and fifty-two pounds eight ſhillings and four pence, with lawful intereſt for the ſame, from the third Tueſday in October, in the year one thouſand ſeven hundred and ninety three, it being the amount of the ſum recovered againſt the ſaid John D. Haring in the ſaid ſuits; and alſo the further ſum of twelve pounds fourteen ſhillings, for monies by the ſaid John D. Haring expended in defending the ſaid ſuits, and for his coſts and diſburſements therein. *Provided* there be ſo much money in the treaſury ariſing from the ſale of the ſaid eſtate of the ſaid Cornelius Mabie.

CHAP. LXI.

An Act to incorporate the Contributors of the New-York Diſpenſary.

Paſſed the 8th of April, 1795.

J. Rodgers and others are contributors to a diſpenſary in N. York.

WHEREAS it is repreſented to the legiſlature, That John Rodgers John Henry Livingſton, Abraham Beach, John Watts, Matthew Clarkſon, Jacob Morton, Moſes Rodgers, John Charleton, Samuel Oſgood, Lawrence Embree, John Cozine, John Broom, and James Watſon and their aſſociates, inhabitants of the city of New-York, have become contributors to a diſpenſary, for the purpoſe of relieving ſuch ſick, poor and indigent perſons as are unable to procure medical aid. *And whereas* it is further repreſented, that the ſaid contributors will, by being incorporated, be enabled to carry their benevolent intentions into more extenſive effect:—Therefore,

Said J. Rodgers and others incorporated by a certain name.

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, That the ſaid John Rodgers, John Henry Livingſton, Abraham Beach, John Watts, Matthew Clarkſon, Jacob Morton, Moſes Rodgers, John Charleton, Samuel Oſgood, Lawrence Embree, John Cozine, John Broome, and James Watſon, together with their aſſociates, being contributors to the ſaid diſpenſary, and ſuch other perſons as ſhall hereafter become members of the corporation thereby erected, ſhall be, and are hereby ordained, conſtituted and declared

to be one body corporate and politic, in fact and in name, by the name of "The Truſtees of the New-York Diſpenſary;" and that by that name, they and their ſucceſſors for ever hereafter, ſhall and may have ſucceſſion, and may by the ſaid name be perſons capable in the law, to ſue and be ſued, implead and be impleded, anſwer and be anſwered unto, defend and be defended, in all courts and places whatſoever, in all manner of action and actions, ſuits, complaints, matters and cauſes whatſoever; and that they and their ſucceſſors may have a common ſeal, and may change and alter the ſame at their pleaſure; and that they and their ſucceſſors, by their ſaid name, ſhall for ever hereafter, be perſons capable in the law, to purchaſe, take, hold, receive and enjoy to them and their ſucceſſors, any real eſtate whatſoever, and all other hereditaments of whatſoever nature, kind or quality they be, in fee ſimple, for term of life or lives, or in any other manner howſoever; and alſo any goods, chattels, and perſonal eſtate whatſoever. *Provided always*, the yearly income of the ſaid real and perſonal eſtate, and hereditaments, doth not at any time exceed the ſum of twelve hundred pounds, current money of New-York. And that they and their ſucceſſors, by the ſame name, ſhall have full power and authority to leaſe the ſaid real eſtate and hereditaments, on ſuch terms as they ſhall judge moſt beneficial; and alſo to diſpoſe of all ſuch perſonal eſtate at their will and pleaſure, as they ſhall judge moſt beneficial and advantageous to promote the humane purpoſes of the ſaid corporation.

Corporation to have 13 truſtees to manage its affairs, and the firſt truſtees named.

And be it further enacted, That there ſhall be forever hereafter, thirteen truſtees of the ſaid corporation, who ſhall conduct and manage the affairs of the ſaid corporation; that the ſaid truſtees ſhall be contributors to the ſaid diſpenſary, actually reſident in the ſaid city of New-York, and the firſt truſtees of the ſaid corporation, ſhall be John Rodgers, John Henry Livingſton, Abraham Beach, John Watts, Matthew Clarkſon, Jacob Morton, Moſes Rodgers, John Charleton, Samuel Oſgood, Lawrence Embree, John Cozine, John Broome, and James Watſon, who ſhall hold their ſaid offices until the ſecond Monday in January next enſuing; and for keeping up the ſucceſſion in the ſaid offices.

Future truſtees how to be choſen.

Be it further enacted, That on the ſaid ſecond Monday in January next enſuing, and yearly and every year for ever thereafter, on the ſecond Monday in January in every year, the members of the ſaid corporation, ſhall meet at ſome convenient place in the city of New-York, to be fixed by the bye-laws of the ſaid corporation, and there, by the majority of ſuch of them as ſhall ſo meet, ſhall by ballot elect thirteen of their members to be truſtees of the ſaid corporation for the year enſuing, who ſhall immediately enter upon the ſaid offices, and hold the ſame from the time of ſuch election, for and during the ſpace of one year, and until others ſhall be elected in their ſtead; and in caſe any of the ſaid perſons elected to be truſtees of the ſaid corporation, or who ſhall hereafter be elected thereto, ſhall die or remove out of the city of New-York, before the time of their appointed ſervice ſhall expire, or ſhall refuſe or neglect to act in, and execute the ſaid office; then and in every ſuch caſe, the remaining truſtees of the ſaid corporation, ſhall within thirty days thereafter, by ballot elect another or others of the members of the ſaid corporation, in the ſtead of him or them ſo dying or removing, refuſing or neglecting to act; and that ſuch perſon or perſons as ſhall have the greateſt number of votes at every ſuch election, ſhall hold their ſaid offices from the

time of ſuch election, until the ſecond Monday in January then next enſuing, and until other or others ſhall be choſen in his or their ſtead.

Truſtees, when to meet, and ſeven to form a quorum, who may make bye-laws, &c.

And be further enacted, That the truſtees of the ſaid corporation ſhall regularly meet on the third Monday in every month, and at ſuch other times as they may judge expedient; and that any ſeven or more of the ſaid truſtees, being ſo convened together, ſhall for ever hereafter be a legal meeting of the ſaid corporation; and that at any and every ſuch legal meeting of any ſeven or more of the truſtees of the ſaid corporation, it ſhall be lawful for them, or a majority of them, to make ſuch bye-laws, rules and regulations, for the management and diſpoſal of the property and eſtate of the ſaid corporation, and the government of the ſaid diſpenſary, and the ſame or any part of them, to alter, amend or repeal from time to time, as they, or a major part of them ſo met, ſhall think proper: *Provided*, Such bye-laws, rules and regulations, be not repugnant to the conſtitution and laws of the United States, or of this ſtate; and that at any ſuch legal meeting of any ſeven or more of the ſaid truſtees of the ſaid corporation, it ſhall and may be lawful for them, or the majority of them, ſo met as aforeſaid, to nominate and appoint one of the ſaid truſtees of the ſaid corporation to be their preſident, and one other to be treaſurer, and any other competent perſon to be ſecretary of the ſaid corporation; and alſo to appoint ſo many phyſicians, ſurgeons, apothecaries, officers and ſervants, and with ſuch compenſations as to them ſhall ſeem meet, and whenever they ſhall think proper, to diſcharge them or any of them, and to appoint other or others in their ſtead.

All perſons paying certain ſums, to become members of ſaid corporation, and entitled to have a certain number of patients on the diſpenſary liſt.

And be it further enacted, That any male adult perſon, who ſhall contribute for the benefit of this corporation, the ſum of five dollars, ſhall, by virtue of ſuch contribution, become a member thereof, and continue ſo to be, for the ſpace of one year, from and after the time of his making ſuch contribution; and any like perſon who ſhall contribute ten dollars for the like purpoſe, ſhall be a member thereof two years; and any like perſon who ſhall contribute any greater number of ſums, of five dollars each, not exceeding nine, ſhall be a member of the ſaid corporation ſuch number of years, not exceeding nine, as ſhall be equal to the number of ſums of five dollars each, ſo by him contributed; and any like perſon, who ſhall contribute fifty dollars for the like purpoſe, ſhall be a member of the ſaid corporation for life; and every contributor of the value of five dollars, or upwards, ſhall be entitled to have ſuch number of patients (being proper objects of this inſtitution) on the diſpenſary liſt, and for ſuch term of time as ſhall be preſcribed by the bye-laws of the corporation.

Truſtees annually to exhibit to the chancellor of this ſtate an account of their real and perſonal eſtate, together with their expenditures in the preceding year.

And be it further enacted, That it ſhall be the duty of the truſtees of the corporation hereby created, to exhibit annually between the firſt and laſt days of May in each year, to the chancellor of this ſtate, a full and particular account of all the eſtate, both real and perſonal, then veſted in the ſaid corporation, and of the rent or income thereof, atteſted by the oath of the treaſurer thereof, that the ſame is a true and perfect account, together with a particular and detailed account of all the monies expended by the ſaid corporation in the preceding year, ſpecifying the ſeveral purpoſes to which it has been applied; and if it ſhall appear to the ſaid chancellor, that the amount of the ſaid property, or the diſpoſal of the ſame, is not agreeable to the true intent and meaning

of this act, he ſhall report the ſame to the legiſlature at their next enſuing ſeſſion.

And be it further enacted, That this act ſhall be, and is hereby declared, to be a public act, and ſhall be conſtrued benignly and favourably, for every beneficial purpoſe herein intended.

CHAP. LXII.

An ACT *to enable the Truſtees of Southampton, in the County of Suffolk, to fence acroſs a certain Beach or Highway, called Hog-neck Beach.*

Paſſed the 8th of April, 1795.

WHERRAS it has been repreſented to the legiſlature, by the truſtees of the town of Southampton, in the county of Suffolk, that they have granted to the truſtees of the temporalities of the religious congregation at Sag-harbour, in the ſaid town, a certain beach called Hog-neck beach, for the better enabling the ſaid religious congregation to ſupport the goſpel, and that the ſaid beach is a highway, and that the ſaid meadow will be of little value to the ſaid religious congregation, unleſs the truſtees of the ſaid town be enabled by law to fence acroſs the ſame:—Therefore,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, That it ſhall and may be lawful for the truſtees of the ſaid town of Southampton, to encloſe the ſaid beach and meadow, by fencing acroſs the ſame, at ſuch place or places as they ſhall deem moſt convenient; *Provided always*, That the ſaid truſtees ſhall keep and maintain good and ſufficient gates at every place where they may fence acroſs the ſaid beach, to be of ſuch dimenſions, and ſo conſtructed, that travellers, teams and carriages, may at all times be able to paſs through the ſame; and if any perſon or perſons ſhall break, injure, or leave open any or either of the ſaid gates, or ſhall break down the fence adjoining to the ſame, at any time when the ſaid meadow and beach may be encloſed as aforeſaid; every perſon ſo offending, ſhall for every ſuch offence, forfeit and pay the ſum of forty ſhillings, to be recovered by action of debt, with coſts of ſuit, before any juſtice of the peace, in and for the ſaid county; the one half of which ſum when ſo recovered, ſhall be paid to the overſeers of the poor of the ſaid town, to be applied to the ſupport of the poor in the ſaid town; and the other half ſhall be for the uſe of the perſon or perſons proſecuting for the ſame.

CHAP. LXIII.

An ACT *for the Relief of Mary Morriſon and others.*

Paſſed the 8th of April, 1795.

WHEREAS Mary Morriſon, widow of Malcom Morriſon, deceaſed, whoſe eſtate became forfeited to the people of this ſtate, hath petitioned the legiſlature for her right of dower, in the eſtate of the ſaid Malcom Morriſon.

And whereas it appears to the legiſlature, that the ſaid Mary Morriſon is entitled to the ſum of nine hundred and four pounds nineteen ſhillings, the preſent value of an annuity of one hundred pounds on a ſingle life of fifty three years (being the age of the ſaid Mary Morriſon, calculated on the principles referred to, in the concurrent reſolutions of both houſes of the legiſlature, of the third and fourth days of April, in the year one thouſand ſeven hundred and ninety-two: Therefore,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, That the treaſurer of this ſtate ſhall, and he is hereby directed, to pay to Mary Morriſon, or her legal repreſentative or attorney, which ſaid Mary is the widow of Malcom Morriſon, deceaſed, whoſe eſtate became forfeited to the people of this ſtate, the ſum of nine hundred and four pounds nineteen ſhillings, for her right of dower in the lands and tenements, whereof her ſaid huſband was ſeiſed in the eaſtern diſtrict of this ſtate, and which have been ſold by the commiſſioners of forfeitures for the ſaid eaſtern diſtrict, upon her executing either in perſon, or by her legal repreſentative or attorney, and delivering to the treaſurer a releaſe of her dower and right of dower, of and in the ſaid lands and tenements to the people of this ſtate, and to the perſons reſpectively holding the ſame lands and tenements.

And whereas it appears to the legiſlature, that Dorothy Kip, widow of Benjamin Kip, deceaſed, whoſe eſtate became forfeited to the people of this ſtate, is entitled to the ſum of thirty pounds eighteen ſhillings and nine pence, the preſent value of an annuity of nine pounds ſix ſhillings and eight pence, on a ſingle life of ſeventy-ſeven years; and that Peggy Kiſſam, widow of Daniel Kiſſam, whoſe eſtate became forfeited as aforeſaid, is entitled to the ſum of two hundred and ſixteen pounds ſixteen ſhillings and eight pence, the preſent value of an annuity of thirty-three pounds ſix ſhillings and eight pence, on a ſingle life of ſixty-ſix years, in ſatisfaction of their reſpective rights of dower in the eſtates of their ſaid huſbands, on the principle referred to in the concurrent reſolutions aforeſaid:— Therefore,

Be it further enacted, That the treaſurer of this ſtate ſhall, and he is hereby directed to pay to Dorothy Kip, or her legal repreſentative or attorney, which ſaid Dorothy is the widow of Benjamin Kip, deceaſed, whoſe eſtate became forfeited to the people of this ſtate, the ſum of thirty pounds eighteen ſhillings and nine pence; and to Peggy Kiſſam, or her legal repreſentative or attorney, which ſaid Peggy is the widow of Daniel Kiſſam, deceaſed, whoſe eſtate became forfeited to the people of this ſtate, the ſum of two hundred and ſeventeen pounds ſixteen ſhillings and eight pence, for their reſpective rights of dower in the lands and tenements, whereof their ſaid huſband were ſeiſed in this ſtate, and which have been ſold by the commiſſioners of forfeitures, upon their executing reſpectively, either in perſon, or by legal repreſentative or attorney, and delivering to the treaſurer a releaſe of their reſpective rights of dower, of and in the ſaid lands and tenements to the people of this ſtate, and to the perſons reſpectively holding the ſame lands and tenements.

CHAP. LXIV.

An ACT *for the Relief of the Repreſentatives of Ellis Fitzſimmons.*

Paſſed the 8th of April, 1795.

WHEREAS Sir William Johnſon, late of Johnſon hall, in the then county of Tryon, in the then province now ſtate of New-York, baronet, by his laſt will and teſtament, devited to his brothers and ſiſters, certain tracts of land, and directed the ſame to be ſold, and the monies ariſing therefrom, to be equally divided between them and their heirs: And whereas great part of the ſaid lands have been ſold in purſuance of the ſaid will, and ſome part thereof remains unſold; but Ellis Fitzſimmons, one of the ſiſters of the ſaid teſtator being dead, and it being uncertain whether the part devited to her has not been veſted in his heir at law, whoſe eſtate has become forfeited and veſted in the people of this ſtate, and it being reaſonable that the

iſſue of the ſaid Ellis Fitzſimmons ſhould have the benefit of the ſaid deviſe to her:—Therefore,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame, That all the right, title, intereſt, claim and demand, of the people of the ſtate of New-York, of, in, and to the monies ariſing, and to ariſe from the ſales of the ſaid lands, ſhall be, and hereby is granted to Charles Robert Johnſon, adminiſtrator of all and ſingular the goods, chattels and credits, which were of the ſaid Ellis Fitzſimmons, to be diſtributed among her children and their repreſentatives, in the ſame manner as if ſhe ſurvived the teſtator; and that it ſhall and may be lawful for the executors of the teſtament and laſt will of the ſaid ſir William Johnſon, to pay to the ſaid Charles Robert Johnſon, for the purpoſe aforeſaid, the proportion of the money ariſing, and to ariſe from the ſale of the ſaid land, which would have belonged to the ſaid Ellis Fitzſimmons, if ſhe was now living, notwithſtanding any right or claim of the people of this ſtate to the ſame.

CHAP. LXV.

An ACT *for the Relief of David Richard Floyd Jones, and the Orphan Children of John Amory.*

Paſſed the 8th of April, 1795.

WHEREAS David Richard Floyd Jones, by his petition to the legiſlature, hath ſet forth, that there are ſome ſmall pieces of land of little value in Suffolk county, belonging to the people of this ſtate, by the attainder of his father Richard Floyd, deceaſed, which have not been ſold by the commiſſioners of forfeitures, and prays that the ſame may be veſted in him for his own uſe:—Therefore,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame, That all the lands in Suffolk county, belonging to the people of this ſtate, by the attainder of Richard Floyd, and not ſold by the commiſſioners of forfeitures, or by the ſurveyor-general, be, and the ſame is hereby veſted in the ſaid David Richard Floyd Jones, and to his heirs and aſſigns for ever.

AND WHEREAS a petition hath been preſented on the part of the orphan children of John Amory, heretofore convicted of adhering to the enemies of this ſtate, praying that the reſidue of the property forfeited to the people of this ſtate, by the conviction of the ſaid James Amory, and which hath not been diſcovered and ſold by the commiſſioners of forfeitures, or by the ſurveyor-general, may be veſted in the ſaid children: And whereas, in conſideration of the youth and indigency of the ſaid children, it is proper that the prayer of the petition ſhould be granted:—Therefore,

Be it enacted by the authority aforeſaid, That all the lands in this ſtate, belonging to the people thereof, by the conviction of the ſaid John Amory, and which have not been ſold by the commiſſioners of forfeitures, or by the ſurveyor-general, be, and the ſame are hereby veſted in ſuch of the children of the ſaid John Amory, as are now reſident within this ſtate, and to their heirs and aſſigns reſpectively for ever, as tenants in common.

And be it further enacted by the authority aforeſaid, That the land by this act granted to the ſaid David Richard Floyd Jones, and the children of the ſaid John Amory, ſhall be ſubject to debts in like manner as if the ſame lands had deſcended to them ſeverally in a due courſe of law.

And be it further enacted by the authority aforeſaid, That all the eſtate, real and perſonal, both in law and equity, either in poſſeſſion, reverſion or remainder of David Colden, late of Queen's county, which was forfeited to, and became veſted in the people of this ſtate, by virtue of the act, entitled, "An act for the forfeiture and ſale of the eſtates of perſons who have adhered to the enemies of this ſtate, and for declaring the ſovereignty of the people of this ſtate, in reſpect to all property within the ſame," and which have not been ſold by, or come to the knowledge of any of the commiſſioners of forfeitures within this ſtate, ſhall be, and the ſame is hereby declared to be veſted in Cadwallader D. Colden, the only ſon of the ſaid David Colden, his heirs and aſſigns forever, in truſt nevertheleſs, and to and for the uſe of all the children of the ſaid David Colden, and to their heirs and aſſigns reſpectively for ever, as tenants in common; and that it ſhall be lawful for the ſaid Cadwallader D. Colden, in his own name, but for the uſes aforeſaid, to ſue for and recover the ſame, in any court of law or equity within this ſtate. *Provided*, That this act ſhall not extend to any debts or demands remitted by the ſixth ſection of the act, entitled, An act relating to the forfeited eſtates.

CHAP. LXVI.

An ACT *concerning Locations of Land.*

Paſſed the 8th of April, 1795.

WHEREAS it is repreſented to the legiſlature, by the ſurveyor-general, that ſeveral locations of land have been made, which from various cauſes are become void, and the parties intereſted therein are without remedy: Therefore,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame, That it ſhall be lawful for the parties intereſted in any ſuch location, to cauſe a new location to be made upon any unappropriated land, which was ſubject to locations at the time ſuch former location was made; and the commiſſioners of the land-office are hereby directed to grant letters patent for the land ſo to be located in the ſame manner, and upon the ſame terms, as they might have done by law, at the time ſuch former location was made. *Provided always*, That every ſuch new location ſhall be made, and the land ſo located be ſurveyed at the expenſe of the perſon ſo locating, and letters patent for the ſame ſued out, on or before the firſt day of March next, otherwiſe ſuch new location ſhall become void.

Whereas it appears, that Robert Woodworth, John Van Renſſelaer, and others, did in the year of our Lord, one thouſand ſeven hundred and eighty-two, furniſh an able-bodied man to ſerve in one of the regiments of this ſtate, then in the ſervice of the United States, agreeably to an act, entitled "An act for raiſing troops to complete the line of this ſtate in the ſervice of the United States, and the two regiments to be raiſed on bounties of unappropriated lands, and for the further defence of the frontiers of this ſtate," paſſed March twenty third, one thouſand ſeven hundred and eighty-two, by virtue of which act, the ſaid Robert Woodworth and his aſſociates, became entitled to a bounty of ſix hundred acres of land. *And whereas* it appears that the ſaid Robert Woodworth and others, have not heretofore received the benefits intended in and by the ſaid act, by reaſon that the ſaid John Van Renſſelaer is ſince deceaſed:—Therefore,

Be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners of the land office, and they are hereby required to grant unto the said Robert Woodworth, and others his associates, belonging to the said class, to be surveyed at his or their own expence, six hundred acres of land, out of any lot of the unappropriated lands belonging to the people of this state.

CHAP. LXVII.

An ACT *to enable certain Persons therein named, to purchase and hold real Estates within this State.*

Passed the 8th of April, 1795.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same*, That it shall be lawful for John Stark Robertson, Luke Usher, Peter Charles L'Enfant, William Furse, William Hobrow, Thomas Hobrow, Edward Grant, John Dawson, John Eastmond, Matthew Darbyshire, John Mouchon, Thomas Almond, George M'Kay, John Carrol, Philip Smyth, John M'Elwain, Alexander M'Elwain, Ann Van Vleck, William Gilzean, Nicholas Olive, George Foose, Jean Joseph Alexis Robert, Pierre D'Verry, Jean Baptist Callan, Walter Morgan, John Burgess, Thomas Billinghurst, William Agate, Benjamin Johnston, Harry Billinghurst, William Agate, George Stear, John Agate, Richard Caffin, Henry Matthews, William Steer, James Lakin, Robert William Cosbrough, Alexander Goutier, Clement Sadlier, Rebeckah Sadlier, Francis Sadlier, John Carleton Sadlier, Clement Sadlier, junior, Richard Washington Sadlier, Henry Sadlier, Carleton Sadlier, Hugh Baker Sadlier, David Purdy, Charles Harford, Jonathan Marriot, John Anthony Beck, Francis Below, Vincent Faure, William Le Villiard, John Millson, Thomas Casy, Samuel Maurice, John Chapman, Benjamin Sanders, John Bragg, James Butterworth, Nathaniel Hopkins, Nicklas Pritchard, Peter Blake, Thomas Pye, Matthew Hawkins, Joseph Thompson, James Tinline, William M'Donah, Robert Bradley, Robert Connely, Dennis Terme, Pierre Jarrassay, James Murray, Pierre Blanchard, Joseph Pierre Andre Malin F. Louvrier St. Marie, Henry Cheriot, Joseph Paul Augustine de Cambefort, Lewis H. Gurlain, John Slattery, Ann Slattery, Jeremiah Slattery, Andrew Slattery, John Slattery, junior, Joseph Slattery, Edmond Slattery, Elin Slattery, Julien Bouvier, James Laughton, John Milson, Robert Whitney, Edward Moore, Richard Phillips, Peter Swinburne, James Eakins, John Blaney, John Harmar, Thomas Powell, Thomas Law, Michel Marsons and William Mayne Duncanson, severally to take and hold lands, tenements and hereditaments within this state, and respectively to have and hold the same to them and to their respective heirs and assigns for ever, as fully to all intents and purposes, as any natural born citizen may or can do, any law, usage or custom to the contrary notwithstanding.

And be it further enacted by the authority aforesaid, That no lands, tenements, or hereditaments, heretofore purchased by any of the persons herein before named, shall escheat or become forfeited to the people of this state, by reason or on account of such persons then being aliens; but all such lands, tenements and hereditaments, shall be understood as having vested in such purchaser or purchasers, any law to the contrary thereof notwithstanding. *Provided always*, That no alienation of any lands purchased, or to be purchased or held by virtue of this act, shall be good and effectual in the law, other than to a citizen or citizens of the United States.

CHAP. LXVIII.

An ACT *relative to the Funds of this State.*

Paſſed 9th of April, 1795.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame,* That the perſon adminiſtering the government of this ſtate for the time being, together with the treaſurer thereof, and Robert R. Livingſton and Gulian Verplank, ſhall be, and hereby are appointed commiſſioners, any two of whom, together with the perſon adminiſtering the government of this ſtate for the time being, ſhall form a quorum, for the following purpoſes, to wit: To determine on ſuch principles for diſpoſing of the ſtock of the United States, bearing or to bear an intereſt of ſix per centum per annum, and ſtanding in the books of the treaſury of the United States, to the credit of Gerard Bancker, the treaſurer of this ſtate, either by direct exchange, or by ſale and re-purchaſe, as in their judgment they ſhall deem moſt beneficial to the intereſt of the people of this ſtate, and in ſuch manner as ſhall afford the beſt proſpect of future permanent revenue; and having ſo determined, ſhall direct the treaſurer of the ſtate for the time being, to make ſuch exchange, ſale and re purchaſe, in conformity to the principles which ſhall be ſo determined, and to report the reſult of their proceedings in the premiſes, at every future meeting of the legiſlature.

The governor and others appointed commiſſioners to determine the mode of diſpoſe of the ſix per cent. ſtock belonging to the ſtate.

And be it further enacted by the authority aforeſaid, That the ſaid treaſurer ſhall be, and he is hereby enjoined, as ſoon as may be after the paſſing of this act, by notice to be publiſhed in at leaſt one of the newſpapers printed in each of the great diſtricts of this ſtate, to require the holders of certificates iſſued from the treaſury of this ſtate, and ſigned by the treaſurer thereof, and certificates iſſued by John Haring, Joſeph Gaſharie and Thomas Moffat, purſuant to the act, entitled, "An act to liquidate and ſettle the accounts of the troops of this ſtate, in the ſervice of the United States," paſſed the fourth of October, one thouſand ſeven hundred and eighty: and the act, entitled, "An act to empower the auditors to liquidate and ſettle the accounts of the troops of this ſtate, in the ſervice of the United States, to grant certificates to the troops of this ſtate in the ſervice of the United States, for their pay accrued for the time therein mentioned," paſſed the ſixth of April, one thouſand ſeven hundred and eighty-four, and certificates iſſued by Peter T. Curtenius, ſtate auditor, for ſeven years half pay to widows and orphans of officers and ſoldiers of the line of this ſtate, agreeable to an act paſſed the ſeventeenth day of April, one thouſand ſeven hundred and eighty-four, to bring the ſame to the treaſury, and receive payment therefor.

Treaſurer to advertiſe for perſons holding certain certificates, to bring them in for payment.

And be it further enacted by the authority aforeſaid, That the ſaid treaſurer ſhall pay the nominal principal, and the intereſt accrued thereon for all ſuch certificates as were iſſued for ſpecie value, and having reduced to ſpecie value all other certificates not given for ſuch value by the ſcale of depreciation eſtabliſhed by law, ſhall pay the principal ſum ſo reduced, together with the ſpecie value intereſt accrued thereon. *Provided,* That if any of the certificates of either of the deſcriptions aforeſaid, ſhall not be preſented for payment before the firſt day of January next, no intereſt accruing after the ſaid day ſhall be allowed or paid thereon.

Treaſurer to pay principal and intereſt on certain certificates.

And be it further enacted by the authority aforesaid, That the said treasurer shall in manner aforesaid, require the holders of any of the bills of credit issued by virtue of the act, entitled, "An act for emitting the sum of two hundred thousand pounds in bills of credit, for the purposes therein mentioned," passed the eighteenth of April, one thousand seven hundred and eighty-six, to present the same at the treasury, and to receive payment therefor on or before the first day of August next, and no bills of the said emission shall be paid after the said day.

Treasurer to advertise for persons holding certain bills of credit, to bring them in for payment.

And be it further enacted by the authority aforesaid, That every person, who after the third Tuesday of June last, was indebted to the people of this state for money loaned by any of the loan-officers within this state, in conformity to the act, entitled, "An act for emitting the sum of two hundred thousand pounds in bills of credit, for the purposes therein mentioned," passed the eighteenth of April, one thousand seven hundred and eighty-six, and who have paid what was due on the principal and interest of the said loan, to the said third Tuesday of June last, shall have the option to retain the whole residue of the principal so due as aforesaid, until the third Tuesday in June, in the year of our Lord one thousand eight hundred and five, or to pay the same residue by instalments, in conformity to the said act. *Provided always*, That the interest arising on such residue, shall be annually paid, agreeable to the directions in the said act contained; any thing in the said act to the contrary thereof notwithstanding.

Persons indebted to the state for monies loaned by a certain act, to have their option to pay the same in manner directed by said act, or to retain the same until the year 1805.

CHAP. LXIX.

An ACT *for the Relief of Donald Campbell.*

Passed the 9th of April, 1795.

WHEREAS Donald Campbell, late a colonel in the army of the United States, a brigadier-general by brevet, and a citizen of this state, has, by petition, respectfully intreated the legislature for a grant of a tract of land. And the legislature, in consideration that he hath not received any bounty lands from this state, being willing to comply therewith:—Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful to and for the surveyor-general of this Sate, to survey and lay off in one entire tract, the quantity of five thousand acres of the unappropriated lands of this state, and as nearly in a square as local circumstances will permit, and in such place as Donald Campbell shall locate: *Provided*, That such location shall not be made on any lands purchased of the Oneida, Onondaga, and Cayuga Indians by this state, or on any lands not subject to location: and having so surveyed the same, shall certify the bounds of such tract to the commissioners of the land-office, who shall thereupon direct that letters patent be issued to the said Donald Campbell in fee simple and in the usual form, as a free and voluntary gift on the part of the people of this state. *Provided always*, That the said Donald Campbell shall, previous to the issuing of such letters patent, produce to the said commissioners a receipt of the surveyor-general, that he the said Donald Campbell hath paid all the expences of the survey of the said tract.

CHAP. LXX.

An ACT *for the better Support of the Oneida, Onondaga, and Cayuga Indians, and for other Purpoſes therein mentioned.*

Paſſed the 9th of April, 1795.

WHEREAS the Oneida, Onondaga, and Cayuga tribes of Indians have, ſometimes collectively as tribes, and at other times individually, leaſed part of the lands appropriated to their uſe, to the white inhabitants, and permitted others to ſettle and improve thereon, without leaſe, which has occaſioned controverſy between themſelves, and between them and ſuch ſettlers, *And whereas* the ſaid tribes reſpectively have intreated the legiſlature to make ſuch arrangement relative to the premiſes, as ſhall tend to prevent future controverſy between themſelves, and between them and the white inhabitants ſettled on, and occupying the lands aforeſaid, and as ſhall tend to render the ſame more productive to the tribes reſpectively:—Therefore,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame, That the perſon adminiſtering the government of this ſtate for the time being, Philip Schuyler, John Cantine, John Richardſon, and David Brooks, or any three of them, ſhall be, and they are hereby appointed agents on the part of the people of this ſtate, to make ſuch arrangements with the Oneida, Onondaga, and Cayuga tribes of Indians reſpectively, relative to the lands appropriated to their uſe, as may tend to promote the intereſt of the ſaid Indians, and to preſerve in them that confidence in the juſtice of this ſtate, which they have ſo repeatedly evinced to entertain. *Provided always*, That every arrangement which may affect either any of the ſaid tribes collectively, or any individual thereof, or the white inhabitants ſettled upon the lands ſo appropriated, ſhall be adjuſted and arranged on the principles following, to wit: If any of the ſaid tribes reſpectively, ſhall incline that a part of the lands appropriated to their uſe, ſhall be ſo diſpoſed of, as that an annuity may for ever hereafter be paid to them; then and in that caſe, a tract, ſuch as the tribe ſo inclining ſhall deſignate and ſuch as the ſaid agents ſhall deem of ſufficient extent to accommodate each family with a competent farm for their occupation and improvement, ſhall be ſurveyed and ſet apart for that purpoſe; and if the ſame tribe ſhall agree that the tract ſo to be ſet apart for their occupancy, or any part thereof, ſhall be laid into as many lots as the ſame tribe contain families; then the ſaid agents ſhall cauſe the ſame to be ſurveyed and laid out into lots accordingly. But if the ſaid Indians ſhould not agree to have a lot aſſigned to each family, but ſhould agree that any and every family which chuſes, may have one lot aſſigned to its particular uſe; then the ſaid agents ſhall cauſe only ſuch lots to be laid out and ſurveyed, and ſhall cauſe a regiſter of every ſuch lot ſo appropriated, to be made in a book to be provided for that purpoſe, deſcriptive of the bounds of each lot, together with the name of the head of the Indian family to whom any lot may be ſo appropriated, and the names of all the members of the ſame family, their age and ſex; and every lot ſo appropriated as well as the entire tract ſo to be ſet apart (and of the bounds of which deſcription ſhall alſo be entered in ſuch book) ſhall for ever hereafter be to the uſe of the ſaid Indians, either collectively by tribes as a body of people, or individually by families, as the caſe may be, and ſhall remain to them and

The governor and others appointed commiſſioners to make ſuch arrangements with ſaid Indians, relative to their lands as will tend to promote their intereſt, &c.

Provided ſuch arrangements be made on certain principles herein laid down.

their posterity, as an estate or estates unalienable, and without power to lease the same; and such register as aforesaid being first certified by the said agents, shall be filed in the office of the secretary of this state, and one copy thereof in the clerk's office of the county in which the lands are situate, to remain in the said offices respectively as part of the public records.

And whereas it is represented, that differences do exist between the said Onondaga Indians, respecting the purchase of some of their lands heretofore made by the commissioners appointed for that purpose on the part of this state:—Therefore,

Commissioners to take measures to reconcile the said Indians, by encreasing their annuity.

Be it further enacted by the authority aforesaid, That it shall and may be lawful for the said agents to take such measures, as to them shall appear proper to reconcile the said Indians; and by an instrument in writing, under their respective hands and seals, to obligate the people of this state to pay unto the said Indians, instead of their annuity of four hundred and ten dollars, such annuity as the said agents in their discretion shall agree upon with the said Indians, not exceeding eight hundred dollars, to commence as on the day stipulated for the payment of the said last annuity; which annuity so to be granted, shall be annually distributed amongst the said Indians, in such manner as they and the said agents shall determine upon; and in case of no such determination, the same shall be annually distributed amongst the said Indians, by the person administering the government of this state for the time being, in his discretion, after having appropriated a part thereof to the maintenance of the public school in which the Indian children shall be taught.

Said annuity how to be disposed of.

Commissioners may stipulate with said Indians, to pay them perpetual annuities for part of their lands, and said annuities how to be applied.

And be it further enacted by the authority aforesaid, That for the residue of any of the lands beyond what may be appropriated in manner aforesaid, the said agents shall in their discretion stipulate perpetual annuities on the part of the people of this state, to be paid to the Oneida and Cayuga Indians, and to be annually distributed amongst those tribes respectively, by the person administering the government of this state for the time being, in such manner, and at such time and place, as they and the said agents shall determine; and in case of no such determination, the same shall be annually distributed amongst the said Indians, by the person administering the government of this state for the time being, in his discretion, after having appropriated a part thereof to the maintenance of the public school in each tribe, in which the Indian children shall be taught. *Provided*, That such annuities severally, shall not exceed an annual interest of six per cent. on the principal sum which would arise from the sale of such residue, if the same was sold at four shillings per acre.

The tract or tracts for which an annuity shall be so stipulated to be laid out by surveyor-general, into lots of 250 acres each, and maps thereof to be filed in the secretary's office, &c.

And be it further enacted by the authority aforesaid, That the tract or tracts for which every such annuity shall be stipulated, shall immediately thereafter be surveyed and laid into lots, not exceeding two hundred and fifty acres each, by the surveyor-general, or such deputy or deputies as he shall thereunto appoint; and being so surveyed and laid into lots, maps and field-books thereof shall be filed in the office of the secretary of this state, and one copy of each in the offices of the clerks of the counties respectively in which the lands are situate, and one other copy in the surveyor-general's office, to the end that all persons may have recourse thereto; and on every such map shall be designated any lot or lots which on or before the first day of January last, were occupied

by any perſon or perſons, and which ſhall be certified by the ſaid agents to have been ſo occupied, with the names of the occupants who hold either by leaſe, where leaſes have been permitted by law to be granted, or by the free and voluntary conſent of any of the ſaid tribes; and ſuch lots ſhall not be ſold, but the remainder and reverſion thereof ſhall enure to the benefit and behoof of the occupants reſpectively, in manner herein after mentioned: *Provided*, That no occupant, who on or before the ſaid firſt day of January, poſſeſſed any of the lands by the voluntary conſent only of any of the ſaid tribes, ſhall be entitled to the remainder or reverſion of any more than two hundred and fifty acres.

Reciting that a certain tract of land has heretofore been appropriated to the common uſe of the Oneidas, and the people of this ſtate, which has been unproductive.

And whereas a tract of land has heretofore been appropriated to the common uſe of the Onondaga Indians, and the people of this ſtate: *And whereas* the ſame is unproductive of any income to the ſaid Indians, and muſt continue ſo as long as the ſame is ſo held in common: Therefore,

Commiſſioners authorized to give ſaid Oneidas an annuity for their right in ſaid tract.

Be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for the ſaid agents, if the ſaid Onondaga Indians ſhould incline to transfer their common right in the whole, or their common right in any part thereof, to the people of this ſtate, to obligate the people of this ſtate to the payment of a perpetual annuity, ſuch as they in their diſcretion ſhall judge meet and proper. *Provided*, That ſuch annuity ſhall not exceed five hundred dollars for the whole of the common right of the ſaid Indians, and ſo in proportion for a leſs part thereof.

And be it further enacted by the authority aforeſaid, That the ſurveyor-general ſhall without delay, after ſuch maps and field-books ſhall be filed in manner aforeſaid, give notice thereof for ſixty days ſucceſſively, in at leaſt two of the newſpapers printed in each of the great diſtricts of this ſtate; and immediately after the expiration of the term aforeſaid, he ſhall aſſign a day certain, and place in the city of Albany, on which day the ſeveral lots ſhall commence to be ſold at public vendue; which day ſhall not be leſs than ſixty, nor more than eighty days from the expiration of the ſaid firſt mentioned ſixty days; which notice ſhall be publiſhed in manner aforeſaid.

Sale of ſaid lots to continue from day to day, till all are ſold, and none to be ſold at a leſs price than 16s. per acre.

And be it further enacted by the authority aforeſaid, That the ſale of all the ſaid lots ſhall continue from day to day, until the whole ſhall be ſold, and each lot ſhall be ſeparately put up at vendue, and ſtruck off to the higheſt bidder. *Provided*, That none of the ſaid lots ſhall be ſold for leſs than ſixteen ſhillings per acre.

Conditions on which ſaid lots are to be ſold.

And be it further enacted by the authority aforeſaid, That the conditions on which the lots of land herein before mentioned ſhall be expoſed to public ſale, ſhall be as follows, to wit: The purchaſer of every lot ſhall immediately after the purchaſe thereof, pay unto the ſurveyor-general as part of the purchaſe money, the ſum of ten pounds; and it ſhall be optional with each and every purchaſer, either to pay the reſidue of the purchaſe money within forty days after ſuch purchaſe, and take a deed therefor in manner herein after preſcribed, or to execute a mortgage therefor in manner herein after mentioned, ſubject to an annual intereſt of ſix per centum, to be annually paid into the treaſury of this ſtate within the time to be ſpecified in ſuch mortgage. *Provided always*, That each and every purchaſer who ſhall neglect or refuſe to pay the reſidue of the purchaſe money before the expiration of the forty days before men-

tioned; or shall refuse or neglect to take such deed and execute such mortgage, shall forfeit to the use of the people of this state, the first payment therein mentioned; and the lands on which such forfeiture shall arise, shall as soon as may be after the expiration of the said forty days, be again exposed to public sale in manner, and on the conditions herein before mentioned.

AND WHEREAS Peter Smith, of the county of Herkemer, hath obtained a lease from the Oneida Indians for the term of twenty-one years, for which term the said Indians were by law authorized to lease part of the tract appropriated to their use: Therefore,

Said P. Smith, and all holding under him, to have the right of pre-emption.

Be it further enacted by the authority aforesaid, That every tenant holding of the said tract by sub-lease under the said Peter Smith, and for the term aforesaid, shall have the pre-emption of the remainder and reversion of the lands so leased to him, and the said Peter Smith shall also have the pre-emption of the remainder and reversion of such part of the tract so leased to him, and which shall not have been by him so leased to others: *Provided*, That he, or they, or such of them as shall be designated by the said agents as entitled, shall pay into the treasury of this state, before the expiration of sixty days next after the first day on which the sale of the lots herein before mentioned shall commence, a sum of money for each acre so held equal to the mean price by the acre of the lands in the same tract, which shall be sold by the surveyor-general at such sale, and in manner aforesaid, either by mortgage, or by the actual payment of the money by the person entitled, at his or her option, and shall receive a deed therefor in manner herein after prescribed.

All persons occupying any of said lots with the consent of the Indians, entitled to the pre-emption of the same.

And be it further enacted by the authority aforesaid, That every person who shall be designated by the said agents, and shall produce their certificate, stating that the person therein named, is entitled as a settler occupying of the land of either of the said tribes (other than that of the common land aforesaid) by the free and voluntary consent of the same tribe on or before the said first day of January last, shall be entitled to the pre-emption of the remainder and reversion thereof; *Provided*, That the person so certified as entitled, shall within sixty days, to be computed from the commencement of such sale as aforesaid, pay unto the surveyor-general of this state, a sum of money for each acre equal to the mean price by the acre of the lands in the same tract, which shall have been sold by the surveyor-general at such sale aforesaid, and shall pay the purchase money, or execute a mortgage therefor at his or her option, and shall receive a deed therefor in manner herein after mentioned. *And provided also*, That such right of pre-emption shall not extend to more than two hundred and fifty acres for each occupant aforesaid.

Commissioners to give a deed to Ephraim Webster for 640 acres.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said agents, to cause the tract heretofore stipulated by the Onondaga Indians, to be granted to Ephraim Webster, to be surveyed, and to lay out such additional tract adjoining thereto, and of the lands now belonging to the people of this state, as that the aggregate may be equal to six hundred and forty acres, and to give him a deed therefor in the name of the people of this state, as a free and voluntary gift on their part.

And be it further enacted by the authority aforeſaid, That as ſoon as may be after the ſale of the ſaid lots, or any of them, and after receiving ſuch part of the purchaſe money as aforeſaid, the ſurveyor-general ſhall execute conveyances of the ſame lots to the purchaſers thereof, in the form herein after preſcribed; and ſhall immediately thereupon take from each purchaſer a mortgage on the lot or lots ſo conveyed to the ſame purchaſer, to ſecure the payment of the reſidue of the purchaſe money in the form herein after preſcribed, and cauſe the ſame mortgages to be regiſtered in the office of the clerk of the county in which the lands ſo mortgaged ſhall be ſituated, and then deliver the ſaid mortgages to the treaſurer of this ſtate.

And be it further enacted by the authority aforeſaid, That the conveyances ſo to be given by the ſaid ſurveyor-general, ſhall be in the following form, that is to ſay: "This indenture, made the day of in the year of our Lord, one thouſand ſeven hundred and ninety- Between ſurveyor-general of the ſtate of New-York, of the firſt part, and of of the ſecond part: Witneſſeth, That the ſaid ſurveyor-general, for and in behalf of the people of the ſtate of New-York, in purſuance of an act, entitled, "An act for the better ſupport of the Oneida, Onondaga, and Cayuga Indians, and for other purpoſes therein mentioned," paſſed the day of one thouſand ſeven hundred and ninety-five; and for and in conſideration of the ſum of to him in hand paid by the ſaid the receipt whereof is hereby acknowledged; and of the further ſum of ſecured to be paid according to the direction of the ſaid act, hath granted, bargained, ſold, releaſed and confirmed; and by theſe preſents doth grant, bargain, ſell, releaſe and confirm, unto the ſaid heirs and aſſigns, All that Together with all manner of improvements, hereditaments and appurtenances, to the ſame belonging, or in any wiſe appertaining; and all the eſtate, right, title, intereſt, claim and demand whatſoever of the people of the ſtate of New-York, of, in, and to the ſaid premiſes, and of, in, and to every part thereof: *To have and to hold* all and ſingular the ſaid premiſes hereby intended to be conveyed, and every part thereof, with the appurtenances, unto, and to the only proper uſe and behoof of the ſaid heirs and aſſigns for ever. In witneſs whereof, the ſaid the ſurveyor general of this ſtate, hath hereunto ſubſcribed his name, and affixed his ſeal the day and year firſt above-written. And every ſuch conveyance ſhall be ſufficient and effectual, to convey all the eſtate, right, title, intereſt, claim and demand of the people of this ſtate, of, in, and to the land intended to be conveyed thereby to the purchaſer or purchaſers therein named, and to his heir, or their heirs for ever.

Form of the conveyances to be given by the ſurveyor-general.

And be it further enacted by the authority aforeſaid, That the mortgages to be taken by the ſaid ſurveyor-general, ſhall be in the following form:—"THIS INDENTURE, made the day of in the year of our Lord, one thouſand ſeven hundred and ninety- between of the firſt part, and the people of the ſtate of New-York of the ſecond part, Witneſſeth, that the ſaid for and in conſideration of the ſum of to him in hand paid, for, and in behalf of the people of this ſtate, the receipt whereof is hereby acknowledged, hath granted, bargained, ſold, releaſed, and confirmed, and by theſe preſents doth grant, bargain, ſell, releaſe and confirm unto the people of the ſtate of New-York All that together with all manner of improvements, hereditaments

Form of the mortgages to be taken by the ſurveyor-general.

ments and appurtenances whatsoever, to the same belonging, or in any wise appertaining; and all the estate, right, title, interest, claim and demand whatsoever of the said of, in, and to the said premises, hereby intended to be conveyed, and of, in, and to every part thereof, with the appurtenances: To have and to hold the said premises hereby intended to be conveyed, and every part thereof, with the appurtenances, unto the people of the state of New-York for ever. *Provided always*, That if the said heirs, executors, administrators or assigns, shall pay, or cause to be paid unto the treasurer of this state for the time being, for the use of the people of this state, the interest of the said sum of at the rate of six pounds per cent per annum, on the first Tuesday of July yearly, and every year; and the said principal sum of with all the interest then due for the same, when the same shall be demanded by the treasurer of this state for the time being, for and in behalf of the people of this state, at any time after the first Tuesday in July, which will be in the year of our Lord, one thousand eight hundred and five; then the above grant, bargain and sale, and every article and clause thereof, shall be void: But if failure be made in any of the payments above mentioned, then the above bargain and sale is to remain in full force and virtue; and the said for heirs and assigns, hereby agrees to be absolutely barred of and from all equity of redemption of the premises, after the expiration of one year after such failure; and the said for heirs, executors and administrators, hereby covenants, grants and agrees, to and with the people of the state of New-York, that the said heirs, executors, or administrators, shall and will well and truly pay the interest of the said sum of at the rate aforesaid, annually on the first Tuesday of July in every year; and the said principal sum of with all the interest then due thereon, when demanded as aforesaid, after the first Tuesday in July, which will be in the year of our Lord, one thousand eight hundred and five, according to the proviso or condition aforesaid: In Witness whereof, the said hath hereunto set hand and seal, the day and year first above written." Which said mortgages shall be good and effectual in the law, and shall be preferred to all other charges and incumbrances whatsoever, on the said land so mortgaged, made or suffered, or to be made or suffered by such purchaser or mortgagor.

Surveyor-general to account for and pay to the treasurer the monies he shall receive in the execution of this act.

And be it further enacted by the authority aforesaid, That the surveyor-general shall from time to time, account with the auditor of this state, for the monies he shall receive and pay in the execution of this act, and pay the balance to the treasurer of this state.

Commissioners authorized to pay Indians one year's annuity in advance, and to pay expenses of survey, &c.

To settle their accounts with the auditor, and to report to the legislature.

And be it further enacted by the authority aforesaid, That out of the monies herein after mentioned, it shall and may be lawful to and for the said agents, to pay unto such of the said Indians, to whom they shall stipulate an annuity, the amount of such annuity, for one year in advance; and shall also defray the expense of the surveys by them to be directed, and such other contingent charges as they may incur in the execution of this act, and shall be allowed their reasonable expenses, and such compensation as the legislature shall hereafter direct; and shall settle their accounts with the auditor of this state, and report their proceedings to the legislature at the first meeting thereof next after they shall have compleated the arrangements enjoined by this act.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the treasurer of this state, and he is hereby required to pay unto the said agents, or to the order of any two of them, a sum not exceeding five thousand pounds, to be by them accounted for in manner aforesaid.

Treasurer to pay said commissioners 5000l.

And be it further enacted by the authority aforesaid, That the act, entitled, "An act relative to the Indians resident within this state," passed the twenty-seventh day of March, one thousand seven hundred and ninety-four, be, and hereby is repealed.

A certain act relative to the Indians repealed.

And be it further enacted by the authority aforesaid, That the secretary of this state, and the surveyor-general thereof, respectively shall deliver to the said agents, or to their order, certified copies of all such contracts, agreements, and other papers and maps, as *they* said agents shall from time to time require.

Secretary and surveyor-general to furnish commissioners with copies of any papers they may require.

CHAP. LXXI.

An ACT *directing where the Courts of Common Pleas and General Sessions of the Peace, for the County of Saratoga shall be held, and for authorizing the Sheriff of the said County to remove his Prisoners, and confine them in the Gaol erected in the said County.*

Passed the 9th of April, 1795.

WHEREAS a court-house and gaol have been lately erected in and for the county of Saratoga:—Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the judges and assistant justices of the court of common pleas, of the county of Saratoga, who shall hold the next court, or a majority of them, and for the justices of the peace in the said county, or a majority of them, on the first day of the next term or sessions of the said courts respectively, or at any time thereafter, to adjourn the said courts respectively, to the said court-house in the same county, and there to hold the said courts.

And be it further enacted, That whenever the commissioners appointed by law to superintend the building of the court-house and gaol in the county of Saratoga, shall certify under their hands to the sheriff of the said county that the said gaol is completed, so as to be sufficient for the reception of prisoners; that it shall and may be lawful for the said sheriff to remove all prisoners, whether confined by process directed to the sheriff of Saratoga, or by any court of justice in the same county, from the gaol of the city and county of Albany, to the said gaol erected in the county of Saratoga, and there keep them and each of them in safe custody, until they shall be respectively discharged by due course of law.

And be it further enacted, That the sheriff of the county of Saratoga shall not be liable to any action or actions of escape, or other action at law, for the removal of said prisoners, or either of them; and if any bill, plaint, suit or information, shall be commenced or prosecuted against the said sheriff for removing the said prisoners, or either of them, in pursuance of this act, it shall be lawful for such sheriff to plead the general issue, and give this act and the special matter in evidence; and if the plaintiff or prosecutor in any such action, bill, plaint, suit or information, shall become non-suit, or dis-

continue or ceaſe to proſecute the ſame; or if a verdict or judgment be given againſt him or her, the defendant ſhall recover double coſts, for which he ſhall have like remedy as in other caſes, where coſts are given by law to the defendant.

And be it further enacted, That in caſe any priſoner or priſoners ſhall eſcape from the cuſtody of the ſheriff of the ſaid county of Saratoga, during the time of his or her removal; and the ſheriff ſhall not retake ſuch priſoner or priſoners, and him, her or them, confine in the gaol to which he, ſhe or they ought to be removed by virtue of this act, within ſixty days next after ſuch eſcape made, the ſaid ſheriff ſhall be liable to all actions for ſuch eſcape or eſcapes.

And be it further enacted, That the court-houſe and gaol, erected in the county of Saratoga ſhall, after ſuch removals of the courts of common pleas and general ſeſſions of the peace, and removal of ſuch priſoners, be deemed the court-houſe and gaol of the ſaid county.

And be it further enacted, That from and after the removal of ſuch priſoners as aforeſaid, the gaol in the city and county of Albany, ſhall not be deemed the gaol of the county of Saratoga.

CHAP. LXXII.

An ACT *authorizing the Juſtices of the Peace, reſiding in that Part of the Town of Schenectady, therein mentioned, to raiſe a Sum annually by Tax, for the Support of a Night Watch.*

Paſſed 9th of April, 1795.

WHEREAS a number of inhabitants of the town of Schenectady, by their petition have repreſented, that ſo much of the act, entitled, An act to empower the juſtices of the peace, reſiding in that part of the town of Schenectady therein mentioned, to eſtabliſh and regulate a night-watch, and for other purpoſes therein mentioned, as relates to the ſaid night-watch, is found by experience to be manifeſtly inadequate to the police and ſafety of the town:—Therefore,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, That it ſhall and may be lawful to and for the ſaid juſtices of the peace, in the town aforeſaid, as ſoon as conveniently may be after the paſſing of this act, and annually thereafter, to order the raiſing a ſum not exceeding three hundred pounds, by a tax on the eſtates, real and perſonal, of all and every the freeholders and inhabitants living or dwelling in that part of the town of Schenectady, which lies to the ſouthward of the Mohawk river, and not more than three quarters of a mile diſtant from the Dutch church in ſaid town, to be applied to the payment of ſo many watchmen, as the ſaid juſtices of the peace ſhall think neceſſary to employ for guarding the ſaid town; which ſaid ſum ſhall be rated and aſſeſſed by the aſſeſſors of the ſaid town, and levied and collected in the ſame manner as hath heretofore been accuſtomed within the ſaid town, for levying and collecting the tax for the maintenance of the poor, and other contingent charges within the ſaid town; and that the ſaid monies ſhall be paid into the hands of any one of the juſtices of the peace aforeſaid, or to ſuch other perſon as the major part of ſuch juſtices ſhall agree upon; to be applied and diſpoſed of from time to time, in ſuch manner for the purpoſe herein before mentioned, as the ſaid juſtices of the peace of the ſaid town, or a major part of them ſhall direct and appoint.

And be it further enacted, That the firſt ſection of the herein before recited act, and alſo the act, entitled, "An act to amend the act, entitled, An act to empower the juſtices of the peace, reſiding in that part of the township of Schenectady therein mentioned, to eſtabliſh and regulate a night-watch, and for other purpoſes therein mentioned," ſhall be, and hereby are repealed.

CHAP. LXXIII.

An ACT *for continuing and extending Bancker-ſtreet, in the fifth Ward of the City of New-York, into Pearl-ſtreet, and for widening Beaver-lane, in the firſt Ward of the ſaid City.*

Paſſed the 9th of April, 1795.

WHEREAS it has been repreſented to this legiſlature, by the mayor, aldermen and commonalty of the city of New-York, that petitions have been preſented to them by ſeveral inhabitants of the ſaid city, who reſide or own houſes and lots of ground in Bancker-ſtreet, in the fifth ward of the ſaid city, praying that meaſures may be taken for continuing and extending the ſaid ſtreet into Pearl-ſtreet: And alſo of the reſidents and proprietors of lots in the vicinity of Beaver-lane, in the firſt ward of the ſaid city, for the widening of the ſaid ſtreet: And alſo, that they the ſaid mayor, aldermen and commonalty, conceiving the ſaid improvements to be highly uſeful and beneficial, as well to the proprietors of the lots, and the inhabitants in the vicinity of thoſe ſtreets, as to the public at large, have ſignified their approbation of the meaſures; and have therefore prayed, that a law, ſimilar to that paſſed for the improvement of John-ſtreet, may be paſſed for the improvement of the above mentioned ſtreets:—Therefore,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, That the ſaid lane, called Beaver-lane, which now is only thirteen feet two inches wide, ſhall be enlarged and widened as follows: Beginning at a point fifty feet two inches north of the ſouth-eaſt corner of the lot of John Delafield, fronting on Broadway, and thence on a ſtraight line to the ſouth-eaſt corner of the rear of the lot as the ſame is now in fence of Auguſtus Van Cortlandt, ſo that the ſaid ſtreet ſhall be thirty-two feet wide from Broad way to Greenwich-ſtreet: And the ſaid ſtreet called Bancker-ſtreet, ſhall be continued and extended into Pearl-ſtreet, as follows, that is to ſay: The ſaid ſtreet ſhall be continued of its preſent breadth of forty feet, in direct lines through the lot belonging to Lewis Morris, the lot belonging to the eſtate of Iſaac Governeur, deceaſed, and the lot belonging to Charles Leroux, to Pearl-ſtreet aforeſaid. And to the end that reaſonable ſatisfaction may be made for ſuch lots or parts of lots as may be neceſſary for the purpoſes aforeſaid, the mayor, aldermen and commonalty of the city of New-York in common council convened, ſhall and may treat and agree with the reſpective owner or owners thereof, or with the perſon or perſons reſpectively intereſted therein, or with his, her or their reſpective agent or agents, or legal repreſentative or repreſentatives: And if ſuch perſon or perſons, either, or any, or all of them, ſhall refuſe to treat and agree in manner aforeſaid, then and in ſuch caſe, it ſhall and may be lawful to and for the mayor or recorder and any two or more aldermen by virtue of this act, by a precept under their hands and ſeals, to command the ſheriff of the ſaid city and county

Beaver-lane, in the city of New-York, to be widened.

Bancker-ſtreet to be continued to Pearl-ſtreet.

Satisfaction, how to be made to the owners of any lots thereby affected.

New-York, to impanel and return, and he is hereby commanded to impanel and return a jury of freeholders, to appear before the mayor's court of the said city at any term thereof, not less than three weeks from the date of such precept, to enquire of, and assess the damages due, or that shall accrue to such owner or owners thereof respectively of such houses and lots of ground, and to notify him, her or them, by notice to be left at his, her or their most usual place or places of abode, if they respectively shall reside in the said city and county; but if not, then on the premises respectively that may be supposed to be in charge to such jury, at least fourteen days before the return of the said precept, to appear before such mayor's court, at the day and at the place in such precept to be specified; which jury, being first sworn faithfully and impartially to enquire into, and assess the damages in question; and having viewed the premises, if necessary, or required by any or either the owner or owners, agent or agents, or legal representative or representatives thereof, shall enquire of, and assess such damages and recompense respectively, as they shall under the circumstances judge fit to be awarded to the owner or owners of such respective houses or lots of ground for their respective losses or damages, according to their several and respective interests and estates therein, and the verdict of such jury, and the judgment of the said mayor's court thereupon, and the payment of the sum or sums of money, so awarded or adjudged to the owner or owners thereof, or tender and refusal thereof shall be conclusive and binding to all intents and purposes against the said owner or owners, his, her, and their respective heirs, executors, administrators and assigns, claiming any estate or interest of, in, or to the said houses or ground. And it shall be thereupon lawful to and for the said mayor, aldermen, and commonalty of the said city of New-York, and their successors, to cause the same ground to be converted to and for the purposes aforesaid.

John Stagg and others, to determine what part of the expence shall be borne by individuals whose property is benefited thereby, and to apportion the same.

And be it further enacted, That it shall and may be lawful to and for John Stagg, George Stanton, Joseph Stringham, William Depeyster, and Anthony Post, or a majority of them, upon a full and equitable consideration of all the circumstances attending the same, to determine what part or proportion thereof, specifying the sum that ought to be borne and paid by individual citizens, whose estates in the said streets and vicinity thereof, will become advanced or increased in value by such improvements; and to make a just and equitable assessment of the last mentioned sum among the owner or owners of all the houses and lots in the vicinity thereof, according to the benefit they may respectively be deemed to acquire or receive thereby; and that the said persons respectively, before they shall enter upon the execution of their trust, be duly sworn before the said mayor or recorder, to make the said estimate and assessment, fairly and impartially, according to the best of their skill and judgment, and a certificate in writing of such estimate and assessment being returned in writing, subscribed by the said persons so appointed, or a majority of them, or a majority of the survivors of them, to the said common council, and ratified by them, shall be binding and conclusive upon the said owner or owners of such houses and lots so to be assessed respectively, and the said owner or owners respectively, shall thereupon become and be liable and chargeable; and they are hereby required upon demand to pay to such person as shall be authorized by the said common council to receive the same,

Before they enter on said trust, to be sworn to make the estimate and assessment fairly.

And the owners of lots to pay the sums for which they are assessed to the persons appointed to receive the same, and such sums shall be applied

the ſum at which each ſuch reſpective houſe or lot ſhall be ſo aſſeſſed, to be employed and applied for and towards the payment of ſuch loſſes and damages as may have ariſen in conſequence of the enlargement and alterations hereby intended to be made to the owner or owners thereof reſpectively, ſo as aforeſaid by the jury reſpectively to be aſſeſſed; and in default of payment thereof, or any part thereof, it ſhall and may be lawful to and for the ſaid mayor, recorder, and aldermen of the ſaid city, or any three of them, of whom the mayor or recorder always to be one, by warrant under their hands and ſeals, to levy the ſum and ſums of money ſo aſſeſſed, by diſtreſs and ſale of the goods and chattels of the owner or owners of ſuch houſe and lot ſo aſſeſſed, and refuſing or neglecting to pay the ſame, rendering the overplus, if any there be, after deducting the ſum aſſeſſed, and the charges of diſtreſs and ſale to ſuch owner or owners reſpectively, or his, her, or their legal repreſentative or repreſentatives. And if it ſhould ſo happen, that ſuch owner or owners ſhall have no goods or chattels to ſatisfy the aſſeſſment aforeſaid; that then and in ſuch caſe, the ſame ſhall be deemed a debt due from the owner or owners thereof, his, her, or their lawful repreſentative or repreſentatives, to the mayor, aldermen and commonalty of the ſaid city, and ſhall be payable to them within three months after ſuch aſſeſſment; and moreover ſhall become a charge or lien and prior incumbrance upon ſuch houſe and lot of ground into whoſe hands or poſſeſſion the ſame ſhall then be, or at any time thereafter ſhall come or deſcend; and the reſpective owner or owners of ſuch houſes and lots of ground reſpectively, at the time of ſuch aſſeſſment, ſhall thereupon become and be reſpectively liable and chargeable; and they are hereby required to pay to the treaſurer or chamberlain of the ſaid city for the time being, who is hereby authorized to receive the ſame to the uſe of the ſaid corporation, the ſum at which ſuch houſes and lots of ground ſhall be ſo aſſeſſed as aforeſaid; and in default of payment thereof, the ſame ſhall and may be recovered at the ſuit of the ſaid treaſurer or chamberlain in any court of record within this ſtate, with coſts of ſuit; and no ſuch action or ſuit ſhall be abated or diſcontinued by the death of the treaſurer or chamberlain of the ſaid city, or by his reſignation or removal from office, but ſhall be continued and proſecuted to effect by his ſucceſſor in office.

And in default of payment, the ſame to be levied by diſtreſs and ſale.

CHAP. LXXIV.

An ACT *to amend an Act for the more ſpeedy Recovery of Debts to the Value of Ten Pounds.*

Paſſed the 9th of April, 1795.

WHEREAS doubts have ariſen, whether actions of treſpaſs by the act, entitled, "An act for the more ſpeedy recovery of debts to the value of ten pounds," are made cognizable before any one juſtice of the peace in this ſtate: And whereas it tends to the advancement of ſpeedy juſtice, and the ſaving of coſts and trouble, that ſuch actions be made cognizable before any one juſtice of the peace of any city or county within this ſtate, and for the removing of ſuch doubts; Therefore,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, That all actions of treſpaſs on any land or other real eſtate wherein the damages ſhall not exceed the ſum of ten pounds, current money of this ſtate, ſhall be, and hereby are made cognizable before any one juſtice

All actions of treſpaſs under ten pounds cognizable before any one juſtice of the peace

of the peace of any city or county of this ſtate; any thing in the above recited act to the contrary notwithſtanding *Provided always*, That whenever any defendant ſhall *juſtify* on a plea of title in ſuch manner as is preſcribed in and by the twelfth ſection of the above recited act, then the juſtice ſhall proceed as in the ſaid twelfth ſection of the ſaid act is directed.

All penalties not exceeding ten pounds, impoſed by the excile act, recoverable before any one Juſtice of the peace.

And be it further enacted, That all penalties not exceeding the ſum of ten pounds, impoſed by the act, entitled, "An act to lay a duty of exciſe on ſtrong liquors, and for the better regulating of inns and taverns," already incurred, or hereafter to be incurred, ſhall and may be recovered before any juſtice of the peace in any city or county of this ſtate, where the ſame penalty hath been or ſhall be incurred. And all ſuits and actions for any ſuch penalty ſhall be, and hereby are made cognizable before ſuch juſtice; any thing in the ſaid laſt mentioned act, or the act, entitled, An act to redreſs diſorders by common informers, and to prevent malicious informations, to the contrary notwithſtanding.

All convictions of offences againſt ſaid exciſe act, to be drawn up in the form herein directed.

And be it further enacted, That all convictions to be had before any juſtice of the peace for offences againſt the ſaid act, entitled, An act to lay a duty of exciſe on ſtrong liquors, and for the better regulating of inns and taverns, ſhall be drawn up in the following form, viz. city of New-York (or Weſtcheſter county, or other city or county, as the caſe ſhall require) to wit: Be it remembered, that on the day of in the year of our Lord one thouſand A. B. of the city of New-York (or of Bedford, in the county of Weſtcheſter, or other city, or town, or county, as the caſe may require) merchant (or farmer, or other addition as the caſe may require, and adding being an inholder or tavern-keeper, if the caſe be ſo) is this day convicted before C. D. mayor (or recorder, or one of the aldermen, as the caſe may require) of the ſaid city (or one of the juſtices of the peace of the ſaid county, as the caſe may require) of having on the day of laſt (or inſt.) at in the ſaid city or county, ſold by retail one quart (or other quantity) of rum (or other ſpirituous liquors, without having ſuch permit) or to be drank in his (or her) houſe (or out houſe, yard or garden, without having entered into ſuch recognizance, as is mentioned in the act, intitled, An act to lay a duty of exciſe on ſtrong liquors, and for the better regulating of inns and taverns (or) of not having in his (or her) houſe, two ſpare beds for gueſts, with good and ſufficient ſheeting and covering for ſuch beds reſpectively for the accommodation of travellers; or of not having good and ſufficient ſtabling and provender of hay and grain, if in winter; and if in ſummer, of hay or paſturage, for four horſes or other cattle more than his or her own ſtock, for the accommodation of travellers, according to the form of the act, entitled, "An act to lay a duty of exciſe on ſtrong liquors, and for better regulating of inns and taverns;" or of having on the day of laſt (or inſtant) at in the ſaid city or county, ſold one gill (or other quantity) of rum (or other ſtrong liquors) to an apprentice [or ſervant or ſlave] of knowing or having reaſon to ſuſpect or believe him or her to be ſuch, without the conſent of his or her maſter (or miſtreſs) againſt the form of the act, entitled, "An act to lay a duty of exciſe on ſtrong liquors, and for the better regulating of inns and taverns [or] of having for the ſpace of one month [or two or more months] neglected to put up, and keep ſuch ſign up, as is required by the act, entitled, "An act to lay a duty of exciſe on ſtrong liquors, and for the better

regulating of inns and taverns." Given under my hand and seal, the day and year first above written. And every such conviction shall, within thirty days after it is made, be filed in the office of the clerk of the city or county where the offence was committed, there to remain as a record, and may be pleaded in bar to any other prosecution for the same offence.

And such conviction to be filed in the office of the clerk of the city or county.

And be it further enacted, That the twenty-second section of the act hereby amended, authorizing the constables in certain counties in this state, to execute any summons or precept in any part of their respective counties, shall be, and hereby is extended to all other counties within this state.

37th section of the act hereby amended, extended to all the counties within this state.

CHAP. LXXV.

An ACT *for the Encouragement of Schools.*

Passed the 9th of April, 1795.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That out of the annual revenue arising to this state, from its stock and other funds, excepting so much thereof as shall be necessary for the support of government, the sum of twenty thousand pounds shall be annually appropriated for the term of five years, for the purpose of encouraging and maintaining schools in the several cities and towns in this state, in which the children of the inhabitants residing in the state, shall be instructed in the English language, or be taught English grammar, arithmetic, mathematics, and such other branches of knowledge as are most useful and necessary to complete a good English education; which sum shall be distributed among the several counties in the manner following, until a new apportionment of the representation of the legislature of this state shall be made; That is to say:

20,000l. for five years annually, appropriated for maintaining schools in the several cities and towns of this state, for completing an English education.

Said sum apportioned among the several counties.

The city and county of New-York shall be entitled to receive the sum of one thousand eight hundred and eighty eight pounds.

The county of Kings, the sum of one hundred and seventy four pounds.

The county of Queens, the sum of seven hundred and forty-four pounds.

The county of Suffolk, the sum of eight hundred and forty pounds.

The county of Richmond, the sum of one hundred and seventy-four pounds.

The county of West Chester, the sum of one thousand one hundred and *ninety two* pounds.

The county of Dutchess, the sum of two thousand two hundred pounds.

The county of Ulster, the sum of one thousand four hundred and forty pounds.

The county of Orange, the sum of nine hundred and forty-four pounds.

The county of Columbia, the sum of one thousand three hundred and ninety pounds.

The county of Rensselaer, the sum of one thousand one hundred and ninety two pounds.

The county of Washington, the sum of one thousand one hundred and fifty-two pounds.

The county of Clinton, the sum of two hundred pounds.

The county of Albany, the sum of one thousand five hundred and nine pounds.

The county of Saratoga, the sum of one thousand and ninety-two pounds.
The county of Herkemer, the sum of nine hundred and thirty pounds.
The county of Montgomery, the sum of eleven hundred and ninety-two pounds.
The county of Otsego, the sum of eight hundred and forty-four pounds.
The county of Onondaga, the sum of one hundred and seventy-four pounds.
The county of Tioga, the sum of three hundred and forty-eight pounds: And,
The county of Ontario, the sum of three hundred pounds.

State treasurer to pay the sums so apportioned to county treasurer.

And the treasurer of this state is hereby required to pay the said several sums of money to the treasurers of the respective counties, or to their respective orders, on the third Tuesday of March in every year, or as soon thereafter as the said monies shall come into his hands. *Provided nevertheless*, That the first of the said annual payments, shall be made on the third Tuesday of March, in the year one thousand seven hundred and ninety-six.

If the annual revenue of the state shall be insufficient to pay said sums, how they are then to be paid.

And if the annual revenue of the state, after deducting what may be necessary for the support of government, shall not be sufficient for the payment of the whole of the said sum of money in any one year, then the treasurer of the state shall pay the same out of any monies not otherwise appropriated, which may be, or may come into the treasury; and if the whole of the said monies not otherwise appropriated, shall not be sufficient for that purpose, then every such payment shall be made to each county respectively, in the same proportion as the whole of the said money is hereby directed to be paid before the next apportionment of the representation in the legislature; and after such next apportionment shall be made, every payment to the several counties shall be in proportion to the number of electors for members of assembly in each county.

County treasurers to retain three pence in the pound for their services.

And the treasurers of the respective counties, are hereby authorized to retain in their hands the sum of three pence in the pound, for every pound of the monies which may come into their hands by virtue of this act, as a compensation for their services in receiving and paying the same.

AND WHEREAS it will be expensive and inconvenient, to enumerate the inhabitants of the several towns in every year:—Therefore,

Supervisors to divide the money allowed to each county, among the towns, and to certify to each town the sum allotted to it, which certificate shall be filed in the town clerk's office.

Be it further enacted, That it shall be the duty of the supervisors in each and every of the counties of this state, at their meeting on the last Tuesday of May, or within ten days thereafter, in every year, to apportion the said respective sums among the several towns in their respective counties, after having deducted the fees of the treasurers of their respective counties for receiving and paying the same, according to the number of taxable inhabitants, which shall appear to be in the several towns in each county, by the tax lists, directed to be annually returned to them by the act, entitled, "An act for defraying the public and necessary charge in the respective counties of this state;" and if at their said time of meeting, no such tax list shall be returned to them by the assessors of any one or more of the towns in any county; then it shall be lawful for the supervisors to estimate the number of taxable inhabitants in any such town or towns, according to the best information that they shall be able to obtain; and when such apportionment shall be completed, the supervisors shall certify to each town the sum of money allotted to that town by virtue of this act; and a copy of such certificate, subscribed and sealed by them,

ſhall be delivered to each ſupervisor preſent, who ſhall file the ſame in the office of the clerk of the town for which he ſhall be ſupervisor: and when any one or more of the ſupervisors are abſent, it ſhall be the duty of the clerk of the ſupervisors, to tranſmit ſuch certificates to the clerks of the ſeveral towns, whoſe ſupervisors were not preſent at ſuch annual meeting, and ſuch clerks ſhall file the ſame in their reſpective offices.

A ſum equal to one half the ſum allowed by this act to the city and county of New York, to be raiſed by tax in the ſaid city and county, to be applied as aforeſaid.

And be it further enacted, That the mayor, aldermen, and commonalty of the city of New-York, in common council convened, ſhall yearly, and every year, during the continuance of this act, cauſe to be raiſed by a tax in the ſaid city and county, a ſum equal to one half the ſum ſo appropriated for encouraging and maintaining ſchools in the city and county of New-York, by virtue of this act in the ſame year, to be added to, and applied in the ſame manner with the money ſo appropriated as aforeſaid; which ſaid ſums of money ſo to be raiſed, ſhall be aſſeſſed, levied, collected and paid, according to the directions of the act, entitled, "An act for the more effectual collection of taxes in the city and county of New-York."

A ſum equal to one half the ſum allowed by this act, to the ſeveral towns in this ſtate, to be raiſed by tax in the ſaid towns and applied as aforeſaid.

And be it further enacted, That the ſupervisors of each of the ſeveral other counties of this ſtate, ſhall yearly and every year, during the continuance of this act, cauſe to be raiſed by a tax in each town in the ſame county, a ſum equal to one half of the ſum to be allotted to the ſame town in the ſame year, out of the money ſo appropriated to the county by the ſtate in the ſame year, by virtue of this act, to be added to, and applied in the ſame manner, with the money ſo to be allowed to the ſame town in the ſame year by virtue of this act; which ſaid ſums of money ſhall be raiſed, levied, collected and paid to the treaſurer of the ſame county, together with, and in the ſame manner, as the neceſſary and contingent charges of the ſaid county are to be raiſed, collected and paid, by virtue of the act, entitled, "An act for defraying the public and neceſſary charge in the reſpective counties of this ſtate.

Mayor, aldermen, and commonalty of New York, may apply the monies allotted by this act, to the city and county of New York, as well to the charity ſchools as any other ſchools.

And be it further enacted, That it ſhall and may be lawful for the mayor, aldermen, and commonalty of the city of New-York, in common council convened, from time to time during the continuance of this act, to cauſe, as well the money ſo appropriated for encouraging and maintaining ſchools in the city and county of New-York, as the money to be raiſed in the ſaid city and county for the ſame purpoſe by virtue of this act; to be applied as well for the encouragement and maintenance of the ſeveral charity ſchools, as of all other ſchools in which children ſhall be inſtructed in the Engliſh language, or taught Engliſh grammar, arithmetic, mathematics, and ſuch other branches of knowledge, as are moſt uſeful and neceſſary to complete a good Engliſh education, whether the children taught in ſuch charity ſchool, ſhall be the children of white parents, or deſcended from Africans or Indians, in ſuch manner as the common council ſhall think proper, and in conformity with the intent of this act; and ſhall on or before the firſt day of November, in the year of our Lord, one thouſand ſeven hundred and ninety-ſix, and on or before the firſt day of November in every year thereafter, during the continuance of this act, cauſe an account of the application and diſtribution of the ſaid monies to be filed in the office of the ſecretary of this ſtate, who ſhall deliver the ſame to the legiſlature at their then next ſeſſion.

And be it further enacted, That on the distribution of the monies assigned to, or to be raised within the city and county of New-York, amongst the different schools in the said city, that if one or more of the said schools should refuse to receive their respective proportions of the money so assigned or raised as aforesaid; then and in that case, the same shall be appropriated to the charity schools in the said city, at the discretion of the said common council.

If any school in the city of New York shall refuse to receive the sum allotted to it, how such sum is then to be applied.

And be it further enacted, That the supervisors of the county of Albany, shall yearly and every year, during the continuance of this act, cause to be raised by a tax in the city of Albany, a sum equal to the half of the sum to be appropriated for encouraging and maintaining schools in the said city, by virtue of this act in the same year, to be added to, and applied in the same manner with the monies so appropriated as aforesaid; which said sum of money so to be raised, shall be assessed, levied and collected and paid to the treasurer of the same county, together with, and in the same manner, as the necessary and contingent charges of the same county are to be raised, collected and paid, by virtue of the act, entitled, "An act for defraying the public and necessary charge in the respective counties of this state.

A sum equal to one half the sum allowed by this act to the city of Albany, to be raised by tax in the said city.

And be it further enacted, That it shall and may be lawful for the mayor, aldermen, and commonalty of the city of Albany, in common council convened, from time to time during the continuance of this act, to cause as well the money so appropriated for encouraging and maintaining schools in the city of Albany, as the money to be raised in the said city for the same purpose by virtue of this act, to be applied for the encouragement and maintenance of the schools in which children shall be instructed in the English language, or taught English grammar, arithmetic, mathematics, and such other branches of knowledge as are most useful and necessary to complete a good English education, in such manner as the common council shall think proper and most agreeable to the intent of this act, on or before the first day of November, in the year of our Lord, one thousand seven hundred and ninety-six, and on or before the first day of November in every year thereafter, during the continuance of this act, cause an account of the application of the said monies to be filed in the office of the secretary of this state, who shall deliver the same to the legislature at their then next session. And the treasurer of the said county of Albany, is hereby directed to pay, as well the money so to be allotted to, as to be raised in the said city of Albany, for encouraging and maintaining schools in the said city of Albany, to the order of the mayor, aldermen and commonalty of the city of Albany, to be by them appropriated as aforesaid.

Freeholders and inhabitants of the several towns in this state, to elect commissioners to superintend the schools.

And be it further enacted, That it shall be lawful for the freeholders and inhabitants in the several towns in the state, who may be qualified by law to vote at town meetings, to elect at their respective annual town meetings, not less than three, nor more than seven persons, who shall, during the continuance of this act, be commissioners of schools, and have the superintendance thereof, and shall determine concerning the distribution of the monies allotted to, or raised in the same town, for the purpose of encouraging and maintaining schools by virtue of this act, in the manner hereafter directed: *Provided*, That for the present year, the supervisor, and town clerk, and assessors, shall be the commissioners.

And be it further enacted, That the city of Hudſon, in the county of Columbia, ſhall be conſidered as a town for all the purpoſes contemplated in this act; and the freemen of the ſaid city, having inhabitants thereof, ſhall annually elect commiſſioners of ſchools, in like manner as laſt above preſcribed, and at ſuch time in every year, as they are by law directed to elect aldermen, aſſiſtants, and other officers in and for the ſaid city; and the ſaid commiſſioners, when ſo elected and qualified as above preſcribed, ſhall continue in office for the like time, perform the like duties, exerciſe the like powers, and proceed in doing buſineſs in like manner, as the commiſſioners of ſchools in the ſeveral towns in the ſtate; and every certificate or other matter in writing, which is hereby directed to be filed in the office of the clerk of any town, ſhall in and for the ſaid city be filed in the office of the clerk of the city: And that the city of Albany, and the county of Albany, ſhall be conſidered as a town, in the diſtribution to be made by the ſupervisors of the ſame county, of the money appropriated to the ſame county by this act.

City of Hudſon in every reſpect for the purpoſes intended by this act, to be conſidered as a town.

And the city of Albany to be conſidered as a town in the diſtribution of the monies.

And be it further enacted, That for the purpoſe of deriving a benefit from the monies hereby appropriated, it ſhall be lawful for the inhabitants reſiding in the different parts of any town to aſſociate together for the purpoſe of procuring good and ſufficient ſchool-maſters, and for erecting or maintaining ſchools in ſuch and ſo many parts of the town where they may reſide, as ſhall be found moſt convenient, and in which ſhall be taught ſuch branches of learning as are intended to receive encouragement from the monies hereby appropriated: And all ſuch perſons as may aſſociate together for the purpoſes above mentioned ſhall appoint two or more perſons to act in their behalf as truſtees of every ſuch ſchool.

Inhabitants reſiding in diſſerent parts of a town, to aſſociate for the purpoſe of procuring ſchool-maſters, &c. and to appoint two perſons or truſtees of every ſchool.

Provided nevertheleſs, That no perſon ſhall be appointed a truſtee of any ſuch ſchool, who may be in any other manner authorized or empowered to carry this act into effect: And the ſaid truſtees ſhall, whenever they may judge it neceſſary, confer with the commiſſioners of ſchools for the town or ward where they may reſide, concerning the qualifications of the maſter or maſters that they may have employed or may intend to employ in their ſchool, and concerning every other matter which may relate to the welfare of their ſchool, or to the propriety of erecting or maintaining the ſame, to the intent that they may obtain the determination of the ſaid commiſſioners, whether the ſaid ſchool will be entitled to a part of the monies allotted to, or raiſed in that town, by virtue of this act; and whether the abilities and moral character of the maſter or maſters employed, or intended to be employed therein, are ſuch as will meet with their approbation: And the ſaid truſtees of the ſaid ſeveral ſchools, ſhall on the third Tueſday in March in every year, or within four days thereafter, make a return, certified under their reſpective hands, to the commiſſioners of ſchools for the town where their reſpective ſchools may have been kept, containing the name or names of the maſter or maſters who in the year then next preceding, may have inſtructed in the ſchool for which they were appointed truſtees, and the time or times when they ſeverally began and left off inſtructing in the ſaid ſchool, and the number of days they may have ſeverally inſtructed therein, and the terms upon which they have ſeverally agreed to inſtruct in the ſame, and the names of the ſcholars who in that year

Truſtees duty.

have been instructed therein, and the number of days which they have severally attended the school, and the time or times within which the school has been kept in that year: *Provided nevertheless*, That the name of any child who shall be under the age of four years, shall not be inserted in any such returns: And if after the receipt of the said returns, it shall appear to the said commissioners that there is no material error, fraud or deception in them, they shall collect into one sum the whole number of days for which each and every scholar that may have attended any one of the said schools, shall have been instructed therein, and shall apportion the monies allotted to and raised in that town for the purpose aforesaid, according to the whole number of days for which instruction shall appear to have been given in each of the said schools, in such manner that the school in which the greater number of days of instruction shall appear to have been given, shall have a proportionably larger sum; and if it shall at any time appear to the said commissioners, that the abilities or moral character of the master or masters of any school, are not such, that they ought to be entrusted with the education of youth, or that any of the branches of learning taught in any school, are not such as are intended to receive encouragement from the monies appropriated by this act, the said commissioners shall notify in writing the said trustees of such school thereof; and to the time of such notification, and no longer, shall any allowance be made to such school, unless the same thereafter be conducted to the approbation of the said commissioners; and where more masters than one shall have been employed in any school, the said commissioners shall apportion the monies allotted to that school among the said several masters, according to the length of time they may have severally kept the school, or according to such agreement as shall have been made with them by the trustees of said school, or by any other person or persons who may have procured them.

Commissioners duty.

And be it further enacted, That nothing herein contained, shall be construed to prevent the inhabitants residing near the limits or borders of any town, from associating with the inhabitants residing in any adjoining town for the purposes above mentioned; and in every such case, the trustees of the school shall be residents of the town where the school shall be kept: And the commissioners of that town shall make the like distribution to such school as is herein before prescribed, with respect to the other schools in such town.

Inhabitants of different towns not to be prevented from associating for the aforesaid purposes.

And be it further enacted, That the said commissioners in every town shall provide a book in which they shall make an entry of every school under their superintendance, the names of the trustees, and the masters names, the time of application made to them by the trustees, and the time of the approbation of the said commissioners, as well of schools already established, as of such as may be established during the continuance of this act; and shall on the last Tuesday in May in every year, from the return of the trustees with such vouchers as may be necessary, determine the sums due to the trustees of the respective schools; and shall give to the trustees of each school an order on the treasurer of the county, for the sum which they shall so determine to be due, and the treasurer of the county is hereby required to pay the same.

Commissioners in every town to provide a book for entering the names of the trustees, school masters, &c.

And be it further enacted, That the commissioners in the several towns within this state, shall on or before the first day of July, in the year one thousand seven hundred and

Commissioners annually to deliver to county treasurer, a-

Schedule of the number of ſchools, the maſters names, the number of ſcholars, &c. and the county treaſurer to tranſmit the ſame to the ſecretary's office.

ninety ſix, and in every year thereafter, during the continuance of this act, delivered to the treaſurer of their reſpective counties, a ſchedule, containing the number of ſchools, the maſters names, the number of ſcholars taught, and the number of days of inſtruction in the ſchools of which they were the commiſſioners; and the treaſurers of the ſeveral counties, ſhall on or before the firſt day of November in every year, tranſmit the ſame to the ſecretary's office, and the ſecretary ſhall lay the ſame before the legiſlature at their next meeting.

AND WHEREAS ſpecial proviſion hath already been made for the encouragement of learning in the ſeveral colleges and academies in the ſtate: Therefore,

BE it further enacted, That nothing in this act contained, ſhall be ſo conſtrued, as to extend to any college or academy, which now is, or hereafter ſhall be incorporated under the authority of the regents of the univerſity, or by virtue of any law of this ſtate.

This act not to extend to any college or academy.

And be it further enacted, That this act ſhall be in force, and take effect from and after the firſt Tueſday of April, one thouſand ſeven hundred and ninety five.

This act when to take effect.

CHAP. LXXVI.

An ACT *for the Payment of certain Officers of Government, and other contingent Expenſes.*

Paſſed the 9th of April, 1795.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the treaſurer ſhall pay, on or before the firſt day of July next, to Simeon De Witt, ſurveyor-general of this ſtate, the ſum of four hundred pounds. To James Fanlie, clerk of the courts of oyer and terminer, and general gaol delivery, the ſum of four hundred pounds. To Francis Childs, printer for this ſtate, the ſum of one hundred pounds, for their ſervices in their reſpective offices, from the firſt day of July laſt, to the firſt day of July next; and to the ſaid Francis Childs the further ſum of forty-eight pounds, for his extra work as printer during the preſent ſeſſion, and the further ſum of two hundred and fifty eight pounds four ſhillings, for printing the communications of the agricultural ſociety of this ſtate, agreeably to concurrent reſolutions of the ſenate and aſſembly of this ſtate, paſſed March thirty, one thouſand ſeven hundred and ninety-four; and alſo the further ſum of one hundred and ninety-ſeven pounds twelve ſhillings, for providing and diſtributing the laws of the United States, agreeably to the concurrent reſolutions of the ſenate and aſſembly, paſſed January twenty-fifth one thouſand ſeven hundred and ninety-three.

Provided nevertheleſs, That the ſaid Simeon De Witt, ſhall account with the auditor for this ſtate, and pay into the treaſury, all the fees which he may have received as ſurveyor-general during the time above ſaid, and which have not been already accounted for and paid.

And be it further enacted, That the treaſurer ſhall pay unto David Van Horne, adjutant-general of the militia of this ſtate, at and after the rate of four hundred pounds, for his ſervices in the ſaid office from the firſt day of July laſt, to the firſt day of July next.

And be it further enacted, That the treaſurer ſhall pay to ſuch of the clergy as ſhall have attended the legiſlature as chaplains during the pre-

ſent ſeſſion, the ſum of twenty ſhillings each, for every day of their attendance for that purpoſe, and the certificates of their attendance, and the ſums due to them reſpectively, ſhall be certified by the preſident of the ſenate, and the ſpeaker of the aſſembly, in like manner as for members of the legiſlature.

And be it further enacted, That the treaſurer ſhall pay to each member of the joint committee of the ſenate and aſſembly, who attended at the ſecretary's office, to canvaſs the ballots taken at the laſt election for ſenators, for every day they attended, or were travelling to or from their reſpective places of abode, for the purpoſe of attending on ſuch canvaſs, the like compenſation as is allowed to the members of the legiſlature for their ſervices, in and by the act, entitled, "An act for the ſupport of government."

And be it further enacted, That the treaſurer of this ſtate ſhall pay to Jonathan Ruſſel, the ſum of thirty pounds fifteen ſhillings, for his ſervices and expenſes in tranſporting arms, accoutrements, and one piece of ordnance from Fort Stanwix, in the county of Herkemer, to the ſalt ſprings in the county of Onondaga; and to Comfort Taylor, the ſum of three pounds four ſhillings, for his trouble and expenſe in procuring from Fort Stanwix, arms furniſhed by the ſtate, for the eaſtern part of the county of Onondaga.

And be it further enacted, That the treaſurer of this ſtate be, and he is hereby directed to pay to Othniel Taylor and Benjamin Wells, ſuch ſum of money as may be certified by the auditor of this ſtate, to be due to them, or to either of them, for tranſporting from Fort Stanwix to the county of Ontario, the arms, accoutrements, and ordnance ſent to that county, by order of his excellency the governor.

And be it further enacted, That the treaſurer ſhall pay to Jacob Kidney, late door-keeper to the aſſembly, for ſervices rendered ſince the laſt adjournment of the legiſlature, the ſum of fourteen pounds.

And be it further enacted, That the treaſurer ſhall pay to Eleazer Oſwald, who ſurvived Elizabeth Holt, adminiſtrator of John Holt, deceaſed, citizen and inhabitant of the ſtate of Pennſylvania, the ſum of two thouſand one hundred and forty-four pounds, thirteen ſhillings and eleven pence.

Provided, The ſaid Eleazer Oſwald ſhall execute a releaſe and diſcharge in full, of and from a certain judgment recovered by him in the ſupreme court of the United States, againſt this ſtate; and from any execution or executions on the ſaid judgment, and for all coſts and charges which have accrued thereon; and to the attorney general of this ſtate, ſuch ſum as ſhall be audited by the auditor of the ſtate, for the expences and diſburſements paid by the ſaid attorney general, in defending of the ſaid ſuit.

And be it further enacted, That it ſhall be lawful for the treaſurer to retain in his hands, out of any monies which may be in the treaſury, the ſum of ſix hundred and fifty three pounds nineteen ſhillings and ſix pence, to reimburſe himſelf the like ſum advanced by him, to the agents appointed by his excellency the governor, to meet the ſeveral Indians who have come to the city of New-York, during the preſent ſeſſion of the legiſlature.

And be it further enacted, That it ſhall be lawful for the perſon adminiſtering the government of this ſtate for the time being, to draw out of the treaſury ſuch ſums of money, not exceeding in the whole the ſum of three thouſand pounds, as he ſhall judge neceſſary to defray the expenſe of any treaties to be held with the nation or tribes of Indians, uſually diſtinguiſhed as the St. Regis Indians, or with any other nation or tribe of Indians claiming

to have any right or title to lands in the northern parts of this ſtate, comprehending the compenſation to the commiſſioner or commiſſioners, holding any ſuch treaty under the authority of the United States, and which may be held in conſequence of an application from the perſon adminiſtering the government of this ſtate for the time being, if he ſhall judge ſuch commiſſioner or commiſſioners neceſſary for holding ſuch treaty; and alſo comprehending the compenſation to ſuch perſon or perſons, as the perſon adminiſtering the government of this ſtate for the time being, ſhall employ to examine and to procure, and prepare proofs and teſtimony reſpecting any right or title which any nation or tribe of Indians may claim to have to lands in the northern parts of this ſtate; and further, that it ſhall and may be lawful for the perſon adminiſtering the government of this ſtate for the time being, either by himſelf, or by an agent or agents to be oppointed by him to treat and agree with any nation or tribe of Indians, for the purchaſe or releaſe of the right or title of ſuch nation or tribe of Indians, to lands in the northern parts of this ſtate, in ſuch form, and on ſuch terms, as the perſon adminiſtering the government of this ſtate for the time being, or the ſaid agent or agents ſhall judge moſt adviſable and beneficial for the ſtate.

And be it further enacted, That the act, entitled an act to amend an act entitled, An act relative to the Indians reſident within this ſtate, be, and the ſame is hereby repealed.

AND WHEREAS the ſenate and aſſembly did, on the fourth of March laſt, by concurrent reſolutions, reſolve that the ſecretary of this ſtate cauſe to be printed immediately, as many copies of the act, entitled, An act for taking a cenſus in this ſtate, and of the ſchedules therein mentioned, as are by the ſaid act directed, and to forward the ſame by expreſs to the proper officers, and that the legiſlature would provide for the expenſes thereof:—Therefore,

Be it further enacted, That the treaſurer of this ſtate be, and he is hereby directed to pay to the ſaid ſecretary, the amount of the ſaid expenſes, agreeably to ſuch account thereof, as he ſhall produce, audited by the auditor of this ſtate.

AND WHEREAS it appears, that William Colbrath, late ſheriff of the county of Herkemer, hath expended the ſum of thirty-one pounds two ſhillings and three pence, for his ſervices and expenſes in executing the orders of his excellency the governor of this ſtate, relative to the intruders on the land belonging to the Brothertown Indians:—Therefore,

Be it further enacted, That the treaſurer of this ſtate be, and he is hereby authorized and required to pay to the ſaid William Colbrath, the ſaid ſum of thirty-one pounds two ſhillings and three pence, for his ſervices and expenſes in executing the ſaid orders.

And be it further enacted, That the treaſurer of this ſtate ſhall pay to Sebaſtian Bauman, late commiſſary of military ſtores, for his ſervices in the ſaid office from the firſt day of July, one thouſand ſeven hundred and ninety-two, at and after the rate of forty pounds per annum, during his continuance in office; and alſo to Robert Hunter, the preſent commiſſary of military ſtores, for ſuch time as he hath been in the ſaid office, until the firſt day of July next, at and after the rate of forty pounds per annum.

And be it further enacted, That the treaſurer ſhall pay to the clerks of the ſenate and aſſembly, ſerjeants at arms, and the door-keepers of the ſenate and the aſſembly, the ſum of four ſhillings a day, in addition to the ſalaries allowed them by the act, entitled, "An act for the ſupport of government," for every day they ſhall have attended the legiſlature during the preſent ſeſſion, to be certified in the manner directed in the act above mentioned.

AND WHEREAS by the act, entitled, "An act for the payment of the salaries of certain officers of government, and other contingent expenses," passed twenty-seventh March, one thousand seven hundred and ninety-four, an appropriation of three thousand five hundred pounds, is made for the support of such of the inhabitants of Saint Domingo, resident within this state, as shall be found in want of such support; and the disposition of the said monies is placed in the hands of the person administering the government of this state, under certain conditions and restrictions in the said act specified.

AND WHEREAS only part of the said monies have been expended in and respecting the premises; and humanity dictates that the whole appropriation should be applied: And whereas doubts have arisen, whether the person administering the government of this state, will be authorised by the said act to cause the residue of the said monies so appropriated, to be drawn and expended after the rising of the legislature;—Therefore,

Be it further enacted, That it shall and may be lawful for the person administering the government of this state, to cause the residue of the monies so appropriated to be drawn from the treasury of this state, and expended for the relief of the persons, and in the manner specified in the said act.

And be it further enacted, That there shall be allowed and paid by the treasurer, to major-general Ganſevoort, the sum of thirty-one pounds eight shillings and six pence, being the amount of monies paid by him for expresses sent to the different commanding officers in the western district, to repair to Fort Stanwix, to receive their proportion of arms and accoutrements, and for his expenses, including the hire of a waggon while attending the above service; and the further sum of twelve shillings per day, exclusive of his necessary expenses, not herein before provided for, for every day he shall have been, bona fide, employed as a commissioner of fortifications in the western or eastern district of this state, or in attending to the service particularly committed to his care by the commander in chief on his account, being liquidated by the auditor of this state.

And be it further enacted, That the treasurer of the state shall pay to Meanckton L. Woolsey, or to his order, the sum of one hundred and nine pounds twelve shillings, in full for his expenses in executing the orders of the governor relative to the transportation, disposition and guarding of the arms and ammunition sent to the northern frontiers of this state, in consequence of the encroachments of the British government upon that part of the state; and the further sum of sixteen pounds eight shillings, in full for his personal services in performing the said business.

And be it further enacted, That the treasurer of this state shall pay unto the surveyor-general, on a warrant or warrants from the person administering the government of this state for the time being, not exceeding in the whole the sum of one thousand pounds, as shall be necessary to defray the expenses which may from time to time attend the execution of the duties enjoined on the said surveyor-general by the act, entitled, An act for the further sale of the unappropriated lands of this state; and that the said surveyor-general shall from time to time account for the same with the auditor of this state.

And be it further enacted, That the treasurer shall, out of any monies in the treasury not appropriated, and not arising from the interest of any monies loaned by this state, pay unto the trustees of Union College, in the town of Schenectady, or to their order, the sum of fifteen hundred pounds, as a free and voluntary gift on the part of the people of this state, to be by them applied to the purchase of an apparatus of instruments and machines for il-

luſtrating lectures in aſtronomy, geography, and natural philoſophy; and the reſidue, if any, to be applied to the purchaſe of ſuch books for the uſe of the ſaid college, as the truſtees may think proper.

And be it further enacted, That the treaſurer ſhall pay unto Philip Schuyler, the ſum of four pounds eighteen ſhillings, for ſo much paid by him to Iſaac Lawſon, for boarding John Swaney ſeven weeks previous to the legiſlative proviſion made at the laſt ſeſſion for the ſupport of the ſaid John Swancy.

And be it further enacted, That ſuch members of the legiſlature, being of the joint committee, to canvaſs the votes for repreſentatives in congreſs, and met for that purpoſe at the ſecretary's office on the firſt Tueſday of January laſt, be allowed twenty ſhillings per day, until the legiſlature met in New-York, in purſuance of their adjournment from Poughkeepſie.

And be it further enacted, That the treaſurer, in ſettling the accounts of John Carpenter, ſhall allow three per cent on the certificates depoſited in the treaſury by him, for ſecurity of monies loaned of the ſtate from the time of ſuch depoſit.

And be it further enacted, That there be granted to the agricultural ſociety incorporated in this ſtate, the ſum of one thouſand dollars, to be paid out of any monies unappropriated in the treaſury, to the order of the preſident of the ſaid ſociety, for the purpoſe of defraying the expenſes of printing ſuch of the communications made to the ſaid ſociety, as they may deem moſt likely to promote the intereſt of agriculture; one copy of which ſhall be diſtributed by the ſociety, to each perſon who ſhall be entitled to receive the laws and journals of this ſtate, and for defraying ſuch other expenſes for the promotion of agriculture, as ſhall be determined on by the ſaid ſociety; which expenditures ſhall be laid before the legiſlature at their next meeting.

And be it further enacted, That it ſhall and may be lawful for the treaſurer to pay to the governors of the hoſpital, the annual ſum allowed them by law, in quarter yearly payments, inſtead of annual payments, as directed by law.

END OF THE LAWS OF THE EIGHTEENTH SESSION.

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LAWS

OF THE

STATE OF NEW-YORK,

Paſſed at the firſt Meeting of the NINETEENTH SESSION of the LEGISLATURE held at the CITY of NEW-YORK.

CHAP. I.

An ACT *to revive the Proceedings in the Court of Common Pleas, in the County of Dutcheſs.*

Paſſed 9th January, 1796.

WHEREAS the Court of Common Pleas in and for the county of Dutcheſs, was not opened or held on the ſecond Tueſday of October laſt, by reaſon that a ſufficient number of the Judges and Aſſiſtant Juſtices of the ſame Court did not attend to hold the ſaid Court, whereby all proceſs and proceedings in the ſame Court are diſcontinued; for remedy whereof,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, That all proceſs and proceedings depending in the ſaid Court of Common Pleas, on the ſecond Tueſday of October laſt, ſhall be and hereby are revived and continued until the ſecond Tueſday of January inſtant, and that all proceſs which were returnable in the ſaid Court of Common Pleas, on the ſaid ſecond Tueſday of October laſt, may be entered at the Court of Common Pleas, to be held in the ſaid County of Dutcheſs on the ſaid ſecond Tueſday of January inſtant, and that all perſons who were bound by bail bonds or otherwiſe to appear, or who by endorſement under their hands on the back of any proceſs promiſed to appear at the ſaid Court of Common Pleas, intended to have been held on the ſaid ſecond Tueſday of October laſt, ſhall be held and bound to appear, or their appearances may be entered at the next Court of Common Pleas, to be held in and for the ſaid county, on the ſecond Tueſday of January inſtant.

CHAP. II.

An ACT *to prevent diſcontinuances of the Proceedings in the Courts of Common Pleas and General Seſſions of the Peace.*

Paſſed 26th January, 1796.

WHEREAS it ſometimes happens that the requiſite number of Judges or Juſtices, to hold the Courts of Common Pleas or General Seſſions of the Peace, or Mayors Courts in ſome of the cities and counties of this ſtate, do not attend, whereby the proceſs and proceedings therein are diſcontinued; for remedy whereof,

Be it enacted by the People of the State of New York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame, That if at any time hereafter a ſufficient number of the perſons authoriſed to hold any ſuch Court, ſhall not attend for that purpoſe, before five of the clock in the afternoon of the day, on which ſuch court is to be held, it ſhall be lawful for ſuch one or more of them as ſhall attend to adjourn the ſame Court to the next day, and if a ſufficient number to hold ſuch Court do not attend before five of the clock in the afternoon of ſuch next day, then it ſhall be lawful for ſuch member or members of the ſame court, as ſhall attend to adjourn the ſame court to the next term or ſeſſion thereof, or for the longeſt time that ſuch court can by law be adjourned, any law, uſage, or cuſtom to the contrary notwithſtanding.

And be it further enacted by the authority aforeſaid, That writs and proceſs may be iſſued out of the reſpective courts of Common Pleas and General Seſſions of the Peace in this ſtate, and out of the reſpective Mayors courts in the cities of New-York, Albany and Hudſon, at any time during the terms or ſeſſions of the ſame courts reſpectively; and that all ſuch writs and proceſs iſſuing out of any court of Common Pleas or General Seſſions of the peace, ſhall be teſted on the firſt day of the term or ſeſſion of the Court, and be made returnable on any day during the ſaid term, or at the then next term or ſeſſion of the ſame court, and that all writs and proceſs iſſuing out of any Mayors court within this ſtate, ſhall be teſted on the firſt day of the term or ſeſſion of the court, and be made returnable at the then next term or ſeſſion of the ſame court, and that any writ or proceſs to be iſſued out of either of the ſaid courts, may be teſted on the firſt day of the term or ſeſſion of the court, out of which the ſame ſhall be iſſued next preceding the time of iſſuing thereof, any law, uſage or cuſtom to the contrary notwithſtanding.

CHAP. III.

An ACT *for raiſing a further ſum of Money for completing the Court-Houſe and Gaol in the County of Waſhington.*

Paſſed 24 February, 1796.

WHEREAS the Superviſors of the County of Waſhington have requeſted that a further ſum of money ſhould be directed to be raiſed on the Inhabitants of ſaid county, to complete the Court Houſe and Gaol erected within the ſame: Therefore,

Be it enacted by the People of the State of New York, repreſented in Senate and Aſſembly, That the Superviſors of the County of Waſhington at their meeting in May next, be and they are hereby authoriſed and required to direct to be levied and raiſed on the freeholders and inhabitants of the County of Waſhington, the ſum of one hundred and twenty pounds, with an additional ſum of one ſhilling on the pound for collecting the ſame, which ſaid ſum ſhall be raiſed, levied and collected in like manner as the other neceſſary and contingent charges of the ſaid county are by law levied and collected.

And be it further enacted That the ſaid ſum of one hundred and twenty pounds, ſhall be collected and paid into the Treaſury of ſaid county, on or before the ſecond Tueſday in February, in the year one thouſand ſeven hundred and ninety-ſeven, and the Treaſurer of the ſaid county is hereby required and directed to pay the ſaid ſum of one hundred and twenty pounds

to the order of the Commissioners appointed by the Supervisors of the said county, to superintend the building of the Court-House and Gaol, agreeably to the act of the Legislature, entitled, "*An act for raising money for building a Court House and Gaol in Washington County*," passed the 26th day of April, 1792, or to the order of a majority of the said Commissioners, reserving to himself the sum of three pence in the pound for his services, for receiving and paying the same.

And be it further enacted, That the said Commissioners shall account with the Supervisors of the county of Washington, for the monies by them to be received, and expended for the purposes aforesaid, when thereunto required.

CHAP. IV.

An ACT *to divide certain Towns in the Counties of Otsego and Herkemer, and to alter the Name of South Hempstead in Queens County.*

Passed 5th February, 1796.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That all that part of the town of Unadilla, lying east of lots number seventy, forty-one, forty-two, forty-three, forty four, forty five, forty-six and forty-seven, in a tract granted to Charles Read, Thomas Wharton and others, commonly called the Otego patent, and the eastern boundary line of the said lots, continued southerly to the Susquehannah river, shall be, and is hereby erected into a town by the name of Suffrage.

A town by the name of Suffrage.

And be it further enacted, That all that part of the town of Unadilla, contained within the following bounds to wit; beginning at the northwest corner of the town of Suffrage, and running along the south bounds of the towns of Otsego and Burlington, to the north east corner of lot number one, in the Otego patent, thence southerly along the east bounds of lots number one, two, three, four, five, six, seven and eight, in the Otego patent, to the southeast corner of the last mentioned lot, thence along the northerly bounds of lots number eighteen and twenty one in the Otego patent, to the west branch of the Oaksdawaw creek, thence down the same as it runs to the Susquehannah river, thence up the river to the southwest corner of the town of Suffrage, thence northerly along the west bounds thereof, to the place of beginning, is hereby erected into a town by the name of Otego.

A town by the name of Otego.

And be it further enacted, That all that part of the town of Unadilla, lying north of the line, beginning at the southwest corner of the town of Otego, and running thence west along the south bounds of lot number eight, in the Otego patent, to the east bounds of a tract granted to Lewis and Richard Morris, commonly called Morris's patent, thence northerly to the north east corner of lot number seventy, in the patent last mentioned, thence westerly along the south bounds of lots number sixty-three, sixty-two, sixty-one, sixty fifty nine and fifty-eight, in Morris's patent, to a tract of land granted to Clotworthy Upton, commonly called Upton's patent, and the same line continued westerly to the Butternut creek, and thence down the same to the Unadilla river, is hereby erected into a town by the name of Butternuts.

A town by the name of Butter Nutts.

And be it further enacted, That all the remainder of the town of Unadilla, is hereby erected into a town by the name of Unadilla.

Where the first town meetings in said towns are to be held.

And be it further enacted, That the first town meeting in each of the said respective towns shall be held as follows, to wit; in the town of Suffrage at the dwelling house of Isaac Collyer, in the town of Otego, at the dwelling house of Trueman Harrison, in the town of Butternutts, at the dwelling house of John Thorpe, and in the town of Unadilla, at the dwelling house of Daniel Bissell.

A separate town by the name of Frankfort.

And be it further enacted, That all that part of the town of German Flatts, contained in the following bounds, to wit; beginning at the south side of the Mohawk river, in the middle of the mouth of a small stream which enters the said river, a few rods east of the house of William Dygart, which stream is known by the name of Dygart's Mill Creek, and running from thence south thirty degrees west, until it meets the southern line of a tract of land granted to Coenrad Frank and others, thence westerly along the said southern line, to the southwest corner of the said grant, thence westerly with a straight line to the southwest corner of Whitestown, thence northerly along the east bounds of Whitestown to the Mohawk river, thence down said along the river to the place of beginning, shall be and hereby is erected into a separate town by the name of Frankfort.

A separate town by the name of Litchfield.

And be it further enacted, That all that part of the town of German Flatts, contained within the following bounds, to wit; beginning at the south east corner of the said town of Frankfort, and running thence south, thirty degrees west to the southern boundary of the town of German Flatts, thence westerly along the southern bounds of the same, to the southwest corner thereof, thence northerly along the west bounds of the same, unto the southwest corner of the said town of Frankfort, thence easterly along the southern bounds thereof to the place of beginning, shall be, and hereby is erected into a separate town by the name of Litchfield.

A separate town by the name of Warren.

And be it further enacted, That all that part of the town of German Flatts, contained within the following bounds, to wit; beginning at the northeast corner of the town of Litchfield, and running thence easterly along the southern line of the tract of land aforesaid, granted to Coenrad Frank and others, until it meets the southwest corner of a tract of land granted to Guy Johnston, thence easterly along the southern bounds thereof, to the eastern bounds of the said town of German Flatts, thence southerly along the said eastern bounds, to the south east corner thereof, thence westerly along the southern bounds thereof to the southeast corner of the said town of Litchfield, thence northerly along the eastern bounds thereof, to the place of beginning, shall be, and is hereby erected into a separate town, by the name of Warren.

And be it further enacted, That all the residue of the said town of German Flatts; shall be, and is hereby erected into a separate town, by the name of German Flatts.

Where the first town meeting in said last named towns are to be held.

And be it further enacted, That the first town meeting in each of the said towns respectively shall be held as follows, to wit; in the town of Frankfort, at the dwelling house of Theobald Dederick; in the town of Litchfield, at the dwelling house of Josiah Shepherd; in the town of Warren, at the dwelling house of David Caswell, senior, and in the town of German Flatts, as erected by this act, at the dwelling house of John Frank.

Said towns to be considered as new and separate towns from the first of April next, &c.

And be it further enacted, That the towns herein before mentioned shall be considered as new and separate towns, from and after the first day of April next, and that the Freeholders and Inhabitants of the said towns respectively, shall be, and hereby are empowered to hold town meetings and elect such town officers as the Freeholders and Inhabitants of the other towns of this state elect by law, and that the town officers to be by them elected, shall have the like powers and privileges as the Freeholders and Inhabitants, and town officers of any other town in this state may exercise.

The poor of said towns how to be apportioned and maintained.

And be it further enacted, That as soon as may be, after the first Tuesday of April next, the Supervisors and Overseers of the poor of the towns, by this act erected into separate towns, shall by notice to be given for that purpose, by the supervisors of the said towns in the respective counties of Otsego and Herkemer, meet together and apportion the poor maintained by the said town of Unadilla, and by the said former town of German-Flatts, previous to the division of the said towns, between the said New Towns hereby erected in an equitable manner, and if the Supervisors and Overseers of the poor cannot agree upon such division of the poor as aforesaid, then and in such case the supervisors of the said counties respectively, shall at their next meeting apportion and divide the poor maintained as aforesaid, in such manner as shall appear to them, or a majority of them, just and equitable, and each of the towns erected by this act into separate towns, shall thereafter respectively maintain their own poor.

South-Hempstead to be called Hempstead.

And be it further enacted, That the town of South-Hempstead in Queens County, shall from henceforth be called and known by the name of Hempstead.

CHAP. V.

An ACT *to divide the Town of Galway, in the County of Saratoga.*

Passed 5th February, 1796.

A separate town by the name of Providence and the first town meeting where to be held.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the Monday preceding the first Tuesday of April next, all that part of the town of Galway, in the County of Saratoga, beginning at the Northwest corner of the town of Milton, and running thence a west course on a parallel line, with the north bounds of the town of Charlton, to the county of Montgomery, and thence north on the east line of the county of Montgomery, to the north bounds of the county of Saratoga, and thence east on the said north bounds, to the north west corner of the town of *Greenfield*, thence south on the line between Galway and Greenfield, to the place of beginning, shall be, and hereby is erected into a separate town, by the name of Providence, and that the first town meeting in the said town of Providence, shall be at the Log Meeting-house, near Jonathan Finches in said town.

And be it further enacted, That all the remaining part of the town of Galway, shall be and remain a separate town by the name of Galway, and the first town meeting shall be at the Baptist Meeting-house, near Eli Smith's store in said town.

Previleges of the freeholders and inhabitants of said towns.

And be it further enacted, That the freeholders and inhabitants of the said towns respectively, be, and hereby are empowered to hold town meeting, and elect such town officers, and enjoy all the privileges that the freeholders and inhabitants of the other towns of this State may do by law.

Supervisors and overseers of the poor when to meet to apportion the poor between said towns.

And be it further enacted, That as soon as may be after the first Tuesday of April next, the Supervisors and Overseers of the poor of the New Towns of Galway and of Providence, shall by notice to be given for that purpose by the Supervisors thereof, meet together and apportion the poor maintained previous to the division thereof, between the said towns, and divide any unexpended money raised in the former town of Galway, for the support of the poor, and shall make such division on principles of equity, and if the Supervisors and Overseers of the poor cannot agree upon such division in such case the Supervisors of the county of Saratoga, shall at their next meeting make such appointment and division in such manner as shall appear to them just and equitable, and the said towns thereafter shall respectively maintain their own poor.

CHAP. VI.

An ACT *for the relief of Matthew Cousens.*

Passed 5th February, 1796.

BE *it enacted by the People of the State of New York, represented in Senate and Assembly*, That it shall and may be lawful for the Treasurer of this State, out of any monies in the Treasury, which are unappropriated to pay to Matthew Cousens, the sum of thirty one pounds, seven shillings and seven pence, being the amount of a Certificate, number three hundred and four, issued to the said Matthew Cousens, by the Auditors appointed to liquidate the accounts of the troops of this State, in the service of the United States, and lost by the said Matthew Cousens, and also such other sum as shall appear due on the same, for interest in satisfaction and payment of the said Certificate so lost as aforesaid.

Provided, That the said Matthew Cousens and one sufficient security being a Freeholder, shall make and execute a bond in due form of law to the people of this State, in such sum as the Treasurer shall approve conditioned for the payment of the said principal and the interest, which hath or may accrue thereon to the Treasurer of the State for the time being, in case the said Certificate should ever be paid at the Treasury of this State, to any person being the bearer thereof.

CHAP. VII.

An ACT *relative to the Courts of Common Pleas and General Sessions of the Peace, in and for the County of Saratoga.*

Passed 5th February, 1796.

BE *it enacted by the People of the State of New York, represented in Senate and Assembly*, That instead of the present terms of the Courts of Common Pleas and General Sessions of the Peace, in and for the County of Saratoga, the respective Courts, in and for the said county, shall from and after the twenty-sixth day of February, one thousand seven hundred and ninety-six, be held on the second Tuesday in May, and the last Tuesday

September, and second Tuesday in January in every year thereafter, and may continue to be held until the several Saturdays next following inclusive. *Provided always*, That it shall be lawful for the Judges and Justices of the said Courts, when they conceive the due Administration of Justice will admit thereof, to adjourn the said Courts respectively, to the next succeeding term, on any day preceding the last day, to which the power of holding the said Courts is hereby extended as aforesaid.

CHAP. VIII.

An ACT making Provision for the more due and convenient conducting public Prosecutions at the Courts of Oyer and Terminer and Gaol Delivery, and General Sessions of the Peace.

Passed 12th February, 1796.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the person administering the government of this State for the time being, shall from time to time, by and with the advice and consent of the Council of Appointment, appoint and commission a proper person for each of the districts herein after mentioned, each of whom shall be of the degree of Counsel in the Supreme Court, and resident in such district to the office of Assistant Attorney General, hereby created. And that the counties of *Suffolk, Queens, Kings, Richmond and West Chester*, shall be one district for the purpose aforesaid. That the counties of *Orange, Dutchess and Ulster*, shall be one other district for the purpose aforesaid, that the counties of *Columbia and Rensselaer*, shall be one other district for the purpose aforesaid; that the counties of *Washington and Clinton* shall be one other district for the purpose aforesaid. That the counties of *Albany, Saratoga, Montgomery and Schoharie*, shall be one other district for the purpose aforesaid. That the counties of *Otsego and Herkemer* shall be one other district for the purpose aforesaid. That the counties of *Tioga, Onondaga and Ontario*, shall be one other district for the purpose aforesaid, that except with respect to the Courts of Oyer and Terminer, and Gaol delivery, in the city and county of New-York, it shall be the duty of the several Assistant Attornies General, to attend the Courts of Oyer and Terminer and Gaol delivery, and General sessions of the peace to be from time to time held within the districts, for which they shall be appointed respectively, and to manage and conduct all suits and prosecutions for crimes and offences cognizable in the said Courts, and that except with respect to prosecutions at the Courts of Oyer and Terminer and Gaol delivery in the city and county of New York, any regulation or establishment of the office of Attorney General, whereby may be supposed his duty to manage and conduct all public prosecutions at the Courts of Oyer and Terminer and gaol delivery, shall after the passing of this act cease. *Provided nevertheless*, That whenever on any occasion the person administering the government of this state, or a Judge of the Supreme Court of this state, shall deem it requisite, it shall be lawful for the person administring the government of this state, or such Judge by writing under his hand to require the Attorney-General to attend the Court of Oyer and Terminer and gaol delivery to be held in such county, and it shall be the duty

Except in the city of New-York, it shall be the duty of the Assistant Attorneys General that attend each one in his own district, the Courts of Oyer and Terminer, &c.

Proviso. The Attorney General shall upon special order of the Governor or

Duty of the Judges to attend Courts of Oyer and Terminer, &c.

of the Attorney-General to attend accordingly, and thereupon to manage and conduct at such court all suits and prosecutions against the persons charged with the offences. And the Assistant Attorney-General for such district shall in such matters as appertain to his office, and shall be required of him by the Attorney-General, aid in managing and conducting such suits and prosecutions. And it is hereby declared that for their services and expences on these occasions the Attorney-General and the assistant Attorney-General shall be deemed to be entitled to an additional allowance beyond the usual salary or other compensation, any allowance however to be determined by the Legislature as the respective occasions shall from time to time happen.

Attorney General and Assistants instead of the Clerks of the Courts shall certify, &c.

And be it further enacted, That after the passing of this act instead of the Clerk of the Supreme Court, the Clerks of the court of Oyer and Terminer and gaol delivery and the clerks of the peace, the Attorney-General shall with respect to attainders, outlawries and convictions in the Supreme Court and in the courts of Oyer and Terminer and gaol delivery in the city and county of New York, and the assistant Attornies General for such districts shall with respect to attainders, outlawries and convictions in the courts of Oyer and Terminer and gaol delivery in the other counties and in the courts of general sessions of the peace in the several counties in like manner and under the like penalties as are required and prescribed in the fourth section of the act entitled "An Act for punishing treasons and felonies and for the better regulating the proceedings in cases of felony," passed the 21st day of February 1788, certify into the court of Exchequer transcripts of the attainders, outlawries and convictions in the said courts respectively.

Compensation allowed to the Assistant Attornies for their services.

And be it further enacted, That the several assistant Attornies General shall be allowed the following compensation viz. for every indictment including such as may be prepared by the direction of the grand jury although afterwards not finally agreed to by them at the court of Oyer and Terminer or gaol delivery and general sessions of the peace *one shilling and six pence* for drawing per folio and for engrossing *one shilling* per folio. For process of subpœna actually made out and issued, *two shillings*, for every subpœna, for process actually made out and issued to bring in the defendants, *two shillings* on each indictment. For arguing the matter where the defendant shall submit *ten shillings*. For ever trial or arguing a demurrer or in opposition to a motion in arrest of judgment in the court of Oyer and Terminer or gaol delivery and general sessions of the peace the sum of *thirty-two shillings*. For the proceedings in outlawry *five pounds*, for each defendant outlawed, and at the rate of *nine pence* per mile of the distance between their respective places of residence and the places where the courts shall be held and each time they shall travel to attend a court, except in the counties in which they may respectively reside. For a transcript certified into the court of Exchequer two shillings for each defendant named therein. For making up a record by order of a judge one shilling and six pence for the draft and one shilling for the copy for each sheet containing seventy two words and the like compensation if made up at the instance of a defendant but then to be paid for by such defendant.

And be it further enacted, That the accounts of the several assistant Attornies General shall be examined and audited in the court of Exchequer and the amount of their compensation thereupon to be allowed shall be paid by

the Treasurer of the State on a certificate thereof under the hand of the Judge and seal of the said court.

And be it further enacted, That from the passing of this act, that part of the act "for regulating the fees of the several officers and ministers of justice," whereby the court may out of a fine for a crime or misdemeanor allow costs of prosecution, shall cease.

Oaths to be taken by the Assistant Attorneys General.

And be it further enacted, That the several assistant Attornies General before they enter on the execution of their office shall take and subscribe before a Judge of one of the counties assigned to them the following oath, to be endorsed on their respective commissions, viz. "I appointed an Assistant Attorney-General, do solemnly swear that I will in all things to the best of my knowledge and abilities perform the trust reposed in me, and that I will support the constitution of the United States.

Attorney General's duty to attend the Court of General Sessions in the city and county of New-York.

And be it further enacted, That it shall be the duty of the Attorney-General to attend the court of General Sessions of the peace in the city and county of New-York, and there to do and perform the like services as are hereby required of the assistant Attornies General at the general sessions of the peace in the several counties of this State.

Attorney-General not to practice as private suits.

And be it further enacted, That the Attorney-General for the time being shall not act either as attorney, solicitor or proctor in any private suit, unless the people of this State shall be interested in the event of such suit.

CHAP. IX.

An ACT *further to continue the Act for the appointment of an Auditor and for the settlement of the public Accounts of this State; and also to continue the second Section of the Act amending the same.*

Passed 12th February, 1796.

BE *it enacted by the people of the State of New-York represented in Senate and Assembly*, That the Act entitled, "*An Act for the appointment of an Auditor and the settlement of the public accounts of this State*," passed the twenty third day of March, one thousand seven hundred and eighty two; and also the second section of the act further to continue and amend the act aforesaid, passed the seventh day of March, one thousand seven hundred and ninety two, shall be and hereby are continued in full force and virtue to all intents and purposes until the first day of July which will be in the year of our Lord one thousand seven hundred and ninety eight.

And be it further enacted, That during the continuance of this act the salary of the Auditor shall from and after the first day of July next be at and after the rate of two hundred pounds per annum payable in four equal quarterly payments at the Treasury.

CHAP. X.

An ACT *abolishing the Office of Clerk of the Circuit Courts and Courts of Oyer and Terminer and Gaol Delivery and substituting the Clerks of the several Counties to be Clerks of the Courts within the Counties respectively.*

Passed 12th February, 1796.

Office of Clerk of the Circuit Courts, and of Oyer & Terminer abolished.

BE *it enacted by the people of the State of New-York, represented in Senate and Assembly*, That the office of clerk of the Circuit Courts and of the Courts of Oyer and

abolished and the clerks of Counties to act as ſuch, ex-officio.

Terminer and Gaol delivery, ſhall be and hereby is abolished, and in place thereof, that from and after the paſſing of this Act, the clerks of the ſeveral counties for the time being ſhall be ex-officio clerks of the ſaid courts within the ſaid counties reſpectively.

In the Circuit Courts the Attorney for the party to whom the Poſtea ought to be delivered and not the clerks ſhall draw and return ſuch Poſtea.

And be it further enacted, That in future the clerks of the ſeveral Circuit Courts ſhall not draw and return the poſtea, or engroſs a ſpecial verdict or a demurrer, but inſtead thereof the attorney for the party to whom the poſtea on the return thereof ought in the firſt inſtance to be delivered, ſhall make up and return the ſame, and to that end the clerk forthwith after the trial or other proceedings on the Niſi Prius Record ſhall have been finally had at the Circuit Court ſhall deliver the record to the attorney of ſuch party and annex thereto a certified copy of the minutes of the court containing ſuch trial or other proceedings, and if there ſhall be a ſpecial verdict or demurrer to evidence, then he ſhall alſo deliver all ſuch writings as may have been read in evidence on the trial and which ought to be put on the record. *Provided nevertheleſs*, That where there ſhall be a ſpecial verdict, copies only of ſuch original writings as may have been read in evidence on the part of the defendant ſhall be delivered to the attorney for the plaintiff.

Clerks compenſation for copies of writings read in evidence; and Attorney's compenſation for drawing the poſtea.

And be it further enacted, That the clerk ſhall be allowed for every ſuch copy of the minutes of the Court, *two ſhillings*, and for every ſuch copy of original writings read in evidence on the part of the defendant *nine pence* for every ſheet of ſeventy two words; and the attorney for drawing and returning the poſtea ſhall be allowed *ſix ſhillings* for the ſame, and for drawing and engroſſing a ſpecial verdict or demurrer, the attorney for the plaintiff ſhall be allowed the like fees as for drawing and engroſſing pleadings.

Compenſation allowed to the clerks of the ſeveral cities and counties for their ſervices, and the late clerk of the courts of Oyer and Terminer to tranſcribe in a book the minutes of ſaid courts which have been held in each county ſince a certain day, &c.

And be it further enacted, That the clerks for the time being of each of the cities and counties in this State ſhall be entitled to have and receive for their ſervices, the like fees as are now allowed by law to the clerk of the Circuit Courts for the ſame ſervices except in the caſes in this act otherwiſe provided, and that the late clerk of the courts of Oyer and Terminer and Gaol delivery, ſhall provide at the expence of this State proper minute books for each county reſpectively, and that he ſhall cauſe to be fairly and accurately tranſcribed therein the minutes of all the Courts of Oyer and Terminer and Gaol delivery which have been held in the ſeveral counties of this State from the twenty ſecond day of May, in the year of our Lord one thouſand ſeven hundred and eighty ſeven, to the time of the paſſing of this act; and that the Treaſurer of this State ſhall pay to the ſaid clerk out of any money in the Treaſury not appropriated the amount of his account for the purchaſe of ſaid books and for tranſcribing the ſaid minutes upon the ſame being completed and the ſaid account being audited by the auditor of this State; and that the ſaid clerk ſhall on or before the ſetting of a court of Oyer and Terminer and Gaol delivery in any city or county within this State deliver or cauſe to be delivered unto the clerk of ſuch city or county, a minute book of the minutes of all the ſaid courts of Oyer and Terminer and Gaol delivery held in the ſaid city or county from the ſaid twenty ſecond day of May, in the

year of our Lord one thousand seven hundred and eighty seven to the time of the passing of this act, together with all indictments, presentments, recognizances and other original papers belonging to such county or relating to any matter therein appertaining to the courts of Oyer and Terminer and Gaol delivery in such county other than such original minutes, and that the said clerk be allowed for his said services the sum of nine pence for every folio containing one hundred and twenty eight words.

The minutes of said courts hereafter to be held to be entered in said book.

And be it further enacted, That the minutes of the said respective courts which shall be hereafter held shall be entered in the said books or other books to be provided for the purpose at the expence of the counties respectively.

CHAP. XI.

An ACT *for the relief of John Lawrence.*

Passed 19th February, 1796.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the Treasurer of this State and he is hereby directed to pay to John Lawrence of the city of New-York the sum of five hundred and eighty six pounds six shillings and one penny in full satisfaction of his claim and demand as well for a certain sum of money by him paid for a farm of land said to have been forfeited to the people of this State by the conviction of Gilbert Miller of the county of Westchester and sold by Isaac Stoutenbergh and Philip Van Cortlandt, Esquires, commissioners of Forfeitures for the southern district of this State to the said John Lawrence as for monies by him expended in the prosecution of a suit for the recovery of the said lands and for his costs and disbursements therein. *Provided*, That the said John Lawrence shall on payment of the said money deliver the conveyance for the said farm to the Treasurer of this State and release all his right, title and interest of and in the premises thereby conveyed to him and all claim to any further compensation for the same to the People of this State.

CHAP. XII.

An ACT *to authorize the Commissioners of the Land Office to grant Letters Patent to Adam Coppernol.*

Passed 19th February, 1796.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the Commissioners of the Land Office and they are hereby directed to cause one lot of six hundred acres of land in the tract set apart for the use of the troops of the line of this State lately serving in the army of the United States to be drawn or balloted in the manner directed by the act entitled "*An act to carry into effect the concurrent resolutions and acts of the Legislature for granting certain lands promised to be given as bounty lands and for other purposes therein mentioned*," and to cause letters patent to be issued for such lot thereby granting the same to Adam Coppernol, late a soldier in the first regiment of this State and now residing in the county of Montgomery, to hold the same lot unto him the said Adam Coppernol for and during his natural life without impeachment of waste, and from and immediately after his death to remain and go to all and every the child and children of the said Adam Coppernol,

born and to be born as Tenants in common and to their heirs and assigns forever which letters patent shall be issued without any fee or reward whatever.

CHAP. XIII.

An ACT *to divide the Town of Norway in the County of Herkemer into two Towns.*

Passed 19th February, 1796.

BE *it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That so much of the town of Norway in the county of Herkemer as is contained within the limits and bounds following, to wit. Beginning at the Northwest corner of lot number thirty seven, part of the second line of lots in the second allotment of the tract commonly called the Royal Grant; which corner intersects the West Canada Creek, and to run thence east to the east bounds of the said county of Herkemer, thence southerly along the said line to the northeast corner of the town of Herkemer, thence westerly along the north bounds of the said town of Herkemer to the creek aforesaid; thence northerly up and along the said creek to the place of beginning shall be and hereby is erected into a separate town by the name of Fairfield; and that from and after the first day of April next, the freeholders and inhabitants thereof shall have and may exercise all and every power and privilege which the freeholders and inhabitants of the other towns within this state have and may exercise by law; and the first town meeting in the said town of Fairfield shall be held at the dwelling house of Daniel Griswold.

And be it further enacted by the authority aforesaid, That all the residue of the said town of Norway shall be and hereby is erected into a separate town and shall retain the name of Norway, and the freeholders and inhabitants thereof shall continue to have, hold and may exercise all and every power and privilege therein which they were by law entitled to previous to the passing of this act; and the first town meeting therein shall be held at the dwelling house of Jeremiah Potter.

And be it further enacted by the authority aforesaid, That as soon as may be after the first Tuesday of April next, the Supervisors and Overseers of the poor of the towns aforesaid by notice to be given for that purpose by the Supervisor of the town of Fairfield, shall meet together and apportion the poor of the town of Norway previous to the division thereof, and also any monies which may have been collected for the support of the poor, between the said two towns in an equitable manner; and if the said Supervisors and Overseers cannot agree upon such division as aforesaid, then and in such case the Supervisors of the county of Herkemer shall at their next meeting make such division in such manner as shall appear to them just and equitable, and the said towns erected by this act shall respectively maintain their own poor.

CHAP. XIV.

An ACT *to erect a Town in the County of Herkemer by the name of Mexico.*

Passed 26th February, 1796.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same,*

That ſo much of the county of Herkemer as is contained within the limits and bounds following to wit. Beginning at the northweſt corner of a tract of land commonly called Fonda's forty thouſand acres patent, thence down and along the weſt ſide of Canada creek to its junction with Wood creek, thence down and along the waters of Wood creek to the Oneida lake, thence through the middle of the ſaid Lake to the weſt end thereof, thence to the north ſhore of the Onandaga river, thence down and along the north ſide of the ſaid river to Lake Ontario, thence eaſterly and northerly along the ſaid Lake to the mouth of Black river, thence up and along the ſaid river to the northermoſt corner of twenty-five thouſand acres of land ſold by William Conſtable to William Inman, thence ſouth thirty-ſeven degrees and thirty minutes weſt along the northweſterly bounds of the ſaid tract to the northweſt corner of the tract commonly called Oothout's patent, thence ſouth one degree weſt along the weſterly line of the ſaid tract to the place of beginning, ſhall be and hereby is erected into a ſeparate town by the name of Mexico. And that from and after the firſt day of April next, the freeholders and inhabitants of the ſaid town ſhall have and may exerciſe all and every power and privilege which the freeholders and inhabitants of the other towns in this ſtate have and may exerciſe by law, and the firſt town meeting in the ſaid town ſhall be held at the dwelling houſe of John Myer, ſituate at Rotterdam within the ſaid town of Mexico.

CHAP. XV.

An ACT *for the relief of Henry H. Vrooman.*

Paſſed the 26th of February, 1796.

WHEREAS the late Commiſſioners of Forfeitures for the Weſtern Diſtrict ſold and conveyed a certain lot of land to Henry H. Vrooman when it was their intention to have ſold him another lot, by which miſtake the ſaid Henry H. Vrooman has ſuſtained pecuniary loſs, and the Legiſlature being willing that reſtitution ſhould be made; Therefore,

Be it enacted by the People of the State of New-York repreſented in Senate and Aſſembly, That it ſhall and may be lawful for the Treaſurer of this State and he is hereby required to pay unto the ſaid Henry H. Vrooman or order the ſum of one hundred and ſeventy one pounds.

CHAP. XVI.

An ACT *for the relief of Jacob Merkle and others.*

Paſſed 26th February, 1796.

WHEREAS it is repreſented to the Legiſlature that the Commiſſioners of Forfeitures for the Weſtern diſtrict of this State have by miſtake ſold certain lands in the Royal Grant in the county of Montgomery belonging to the eſtate of Peter Johnſon, the natural ſon of Sir William Johnſon, Baronet, deceaſed, as a part of the forfeited eſtate of Sir John Johnſon, Baronet, which ſaid lands did of right belong to Elizabeth Johnſon, Magdalen Johnſon, Margaret Johnſon, George Johnſon, Mary Johnſon, Suſannah Johnſon, and Ann Johnſon, the ſurviving brothers and ſiſters of the ſaid Peter Johnſon, as deviſees of the ſaid Sir William Johnſon, deceaſed.

And Whereas it appears that Elizabeth Johnſon, Magdalen Johnſon, and Margaret Johnſon, have been convicted of adhering to the enemy and their

eſtates forfeited to the People of this State and no record of ſuch conviction and forfeiture is found againſt the ſaid George Johnſon, Mary Johnſon, Suſannah Johnſon, and Ann Johnſon, or either of them.

And Whereas Jacob Merkle and others, ſettlers on ſaid land ſo as aforeſaid ſold by miſtake under titles derived from the ſaid Commiſſioners of forfeitures have by their petition repreſented to the Legiſlature that actions of ejectment have been brought againſt ſome of them in the names of John Robinſon, George Pearſon and James Cochran, purchaſers from the ſaid George Johnſon, Mary Johnſon, Suſannah Johnſon, and Ann Johnſon, of a tract of four thouſand acres of the ſaid land of the ſaid Peter Johnſon, ſituated in the Royal Grant ſo as aforeſaid ſold by the ſaid Commiſſioners.

And Whereas the ſaid John Robinſon, George Pearſon and James Cochran have ſignified their willingneſs to accept of four ſevenths of the proceeds of the ſales of the ſaid four thouſand acres which have been paid into the Treaſury of this ſtate together with intereſt thereon in ſatisfaction for their title to the ſaid land ſo ſold as aforeſaid; Therefore,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, That the Treaſurer of this ſtate be and he is hereby authorized to pay to the ſaid John Robinſon, George Pearſon, and James Cochran four ſevenths of the proceeds of the ſales of the ſaid tract of four thouſand acres together with intereſt on the ſame from the time of the ſales of ſaid land by the ſaid Commiſſioners in ſatisfaction for their title to the ſaid land ſo ſold as aforeſaid.

Provided always, and it is hereby further enacted, That before the Treaſurer of this ſtate ſhall pay to the ſaid John Robinſon, George Pearſon and James Cochran the ſaid four ſevenths of the ſales as above mentioned, the ſaid John Robinſon, George Pearſon and James Cochran ſhall produce to the ſaid Treaſurer a certificate from the Attorney-General of this ſtate, certifying that he has examined into the title of the ſaid John Robinſon, George Pearſon and James Cochran to the tract of land above mentioned, and that it is his opinion that the ſaid John Robinſon, George Pearſon and James Cochran have a legal title to the ſame, and alſo that the ſaid John Robinſon, George Pearſon and James Cochran, ſhall further execute and deliver to the ſaid Treaſurer a deed or conveyance from the ſaid John Robinſon, George Pearſon and James Cochran to the People of this ſtate of all the right and title of them the ſaid John Robinſon, George Pearſon and James Cochran in and to the ſaid tract of four thouſand acres ſo ſold as aforeſaid containing the uſual covenants of warranty.

CHAP. XVII.

An ACT *for raiſing a further ſum of Money for compleating a Court-Houſe in the County of Weſtcheſter at the Town of Bedford.*

Paſſed 26th February, 1796.

WHEREAS the ſuperviſors of the county of Weſtcheſter have by their petition requeſted the Legiſlature to enable them by law to raiſe the further ſum of ſeventy pounds for the purpoſe of compleating the Court-Houſe at the town of Bedford in the county aforeſaid; Therefore,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, That the ſuperviſors of the ſaid county for the time being ſhall be and they are hereby authorized and required at their next annual meeting after paſſing this act to direct to be raiſed and levied on the freeholders and inhabitants of the ſaid county the ſum of ſeventy pounds

for the purpose of compleating the Court-House aforesaid with an additional sum of one shilling on the pound for collecting the same which said sums shall be raised, levied and collected at the same time and in like manner as the other necessary contingent charges of the said county are levied and collected.

And be it further enacted, That the said sum of seventy pounds shall be collected and paid into the Treasury of the said county on or before the first Tuesday of February in the year one thousand seven hundred and ninety-seven.

And be it further enacted, That the supervisors of the said county shall be and they are hereby authorized and required at their next annual meeting to appoint an agent or agents to apply the money directed by this act to be raised for compleating the Court-House aforesaid and the Treasurer of the said county is hereby required to pay the aforesaid sum of seventy pounds to such agent or agents so appointed when thereunto required at any time after the said first Tuesday in February in the year one thousand seven hundred and ninety seven.

And be it further enacted, That the said agent or agents shall account to the supervisors of said county for the expenditure of the said sum of seventy pounds when thereunto required.

CHAP. XVIII.

An ACT *to raise a further sum of Money to compleat the Court-House and Gaol in the County of Saratoga.*

Passed 4th March, 1796.

WHEREAS Edward A. Waterous and others, supervisors of the county of Saratoga, have by their petition represented to the Legislature that a further sum of six hundred pounds will be necessary to compleat the Court House and Gaol in the county of Saratoga; Therefore,

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That the supervisors of the county of Saratoga, at their meeting in May next, be and they are hereby authorized and required to direct to be levied and raised on the freeholders and inhabitants of the county of Saratoga, the sum of six hundred pounds with an additional sum of one shilling on the pound for collecting the same, which said sums shall be raised, levied and collected in like manner as the other necessary and contingent charges of the said county are by law raised, levied and collected.

And be it further enacted, That the said sum of six hundred pounds shall be collected, and paid into the Treasury of the said county, on or before the first Tuesday of February next, and the Treasurer of said county is hereby required and directed to pay the said sum of six hundred pounds to the order of the Commissioners or a majority of them who are by law appointed to superintend the building of the said Court-House and Gaol, reserving to himself the sum of three pence in the pound for his services in receiving and paying out the same.

And be it further enacted, That the said commissioners shall account with the supervisors of the county aforesaid for the monies by them to be received and expended for the purpose aforesaid when thereunto required.

CHAP. XIX.

An ACT *apportioning the Representation in the Legislature according to the rule prescribed by the Constitution.*

Passed the 4th day of March, 1796.

WHEREAS by the census of the electors of this state lately taken in pursuance of an act of the Legislature, it appears that in all of the great districts and in several of the counties of this state, the numbers of electors have so increased that according to the constitution of this state, they are entitled to additional Senators and members of Assembly in the proportion herein after mentioned; Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the electors in the Southern, Middle, Eastern and Western Districts of this State shall at the next general election therein, be entitled to elect and chuse additional Senators to the number of Senators now elected and and chosen within the said districts in manner following, to wit—In the Southern District one, in the Middle District two, in the Eastern District three, and in the Western District twelve. And the clerk of the Senate is hereby directed to give notices of the elections accordingly.

Electors in the four Great Districts authorized to elect additional Senators.

And in order to equalize the great districts of this State as near as may be,

It is hereby further enacted, That from and after the first day of January next, this state shall be and hereby is divided into four great districts, as follows: The southern district to comprehend the city and county of New-York, and the counties of Suffolk, Queens, Kings, Richmond and West-chester. The middle district to comprehend the counties of Dutchess, Ulster, Orange and Columbia. The eastern District to comprehend the city and county of Albany, and the counties of Rensselaer, Saratoga, Washington and Clinton. And the western District to comprehend the counties of Montgomery, Schoharie, Otsego, Herkemer, Tioga, Onondaga and Ontario. And that the number of Senators to be chosen in each of the said districts shall be as follows; in the southern district nine; in the middle district twelve; in the eastern district eleven; and in the western district eleven. And the additional Senators to be chosen at the next election by virtue of this act, shall at the first Session of the Legislature after the first Monday in July next, be classed and apportioned to the several great districts, according to the Constitution of this State.

The great districts allotted.

Senators apportioned among the great districts, and at a certain time to be classed.

And be it further enacted, That the electors in the several counties following, shall at the next general election therein, be entitled to elect and choose additional members of Assembly, to the number of members of Assembly now elected and chosen within such counties in manner following, to wit. In the city and county of New-York six; in the county of Queens one; in the county of Dutchess three; in the county of Ulster three; in the county of Rensselaer one; in the county of Washington two; in the city and county of Albany three; in the county of Saratoga one; in the county of Montgomery two; in the county of Herkemer six; in the county of Otsego four; in the county of Tioga one, and in the county of Ontario one. And that until another census shall be taken by order of the Legislature or other provision be made in the premises, the whole number of members of Assembly to be annually chosen in the counties herein before

Electors in several of the counties authorized to elect additional Assemblymen. Their number.

mentioned shall be as follows, to wit: in the city and county of New-York thirteen; in the county of Queens four; in the county of Dutchess ten; in the county of Ulster eight; in the county of Rensselaer six; in the county of Washington six; in the city and county of Albany ten; in the county of Saratoga five; in the county of Montgomery six; in the county of Herkemer seven; in the county of Otsego five; in the county of Tioga two, and in the county of Ontario two.

At the next general election and until another census be taken electors to elect in certain other counties a certain proportion of Assemblymen.

And be it further enacted, That at the next general election in this state and annually thereafter until another Census shall be taken by order of the Legislature, or other provision be made in the premises, the electors in the counties herein after mentioned shall be entitled to choose and elect members of Assembly for such counties in proportion following, to wit: In the county of Clinton one; in the county of Schoharie one, and in the county of Onondago two.

And the residue of the counties to elect the same number of Assemblymen as they do at present.

And be it further enacted, That the Several other counties in this state shall continue to elect the same number of members of Assembly as are directed in and by an act entitled, "*An Act for apportioning the representation in the Legislature according to the rule prescribed by the Constitution, and for dividing the county of Albany.*"

CHAP. XX.

An ACT *supplementary to the Act entitled an Act concerning Apprentices and Servants.*

Passed 4th March, 1796.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for any male infant under the age of twenty-one years, or any female infant under the age of eighteen years, and who shall have no parent living nor any guardian, by and with the consent and approbation of the overseers of the town or place, any two Justices of the peace or of any Judge of the court of common pleas in the county where such infant shall reside, to bind himself or herself an apprentice in any art, craft, mystery, profession, trade or useful employment until such infant if a male shall arrive at the age of twenty one years, and if a female to the age of eighteen years, which consent or approbation shall be endorsed on the indenture, and that every such indenture shall be as good and effectual to all intents and purposes as if made by and with the consent of the father of such infant if he was living.

And be it further enacted, That where the father of any child is not in legal capacity to consent to the binding out of the same, and the mother is in legal capacity, such mother shall have the same power to consent that such child shall be bound out as though the father was dead.

And be it further enacted, That whenever it shall be proved to the satisfaction of a judge of the court of common pleas of the county, or the overseers of the poor of any town, that the husband of any Indian woman residing within the counties of Suffolk or Queens has left her with her children, it shall be lawful for the woman so left to bind her children apprentices in the same manner as if her husband was dead.

CHAP. XXI.

An ACT *to divide the Town of Steuben in the County of Herkemer into three Towns.*

Paſſed 4th March, 1796.

A certain part of the town of Steuben erected into a town by the name of Floyd.

BE *it enacted by the people of the State of New-York, repreſented in Senate and Aſſembly*, That all that part of the town of Steuben ſituate within the following bounds, to wit. Beginning at the northweſt corner of great lot number thirty-ſix in Fonda's patent and running along the weſt bounds of ſaid lot, and lot number fifty, ſixty-three, and ſeventy-one in ſaid Fonda's patent, and the ſame courſe continued to the ſouth bounds of the town of Steuben, then eaſt along the ſame to the mouth of nine mile creek, then along the ſouth-eaſt bounds of the town of Steuben until a weſt line ſhall interſect the north-eaſt corner of great lot number forty-one in ſaid Fonda's patent, then along ſaid line and the north bounds of ſaid lot number forty-one, and lots number forty, thirty-nine, thirty-eight, thirty-ſeven and thirty-ſix in ſaid Fonda's patent, to the place of beginning, ſhall be and is hereby erected into a town by the name of Floyd. That all that part of the ſaid town of Steuben, bounded northwardly by a line to begin at the northweſt corner of the ſaid town of Floyd and running a direct courſe along the north bounds of great lots number thirty-five, thirty-four, thirty-three, thirty-two, thirty-one, thirty, twenty-nine and eighty-three, in ſaid Fonda's patent to Canada creek, thence down and along the ſame to its junction with Wood creek, thence along the weſterly and ſouthern bounds of the ſaid town of Steuben to the ſouthweſt corner of the ſaid town of Floyd, then along the weſt bounds thereof to the place of beginning, ſhall be and hereby is erected into a town by the name of Rome. And that all the remaining part of the ſaid town of Steuben ſhall remain and continue a ſeparate town by the name of Steuben, except ſo much thereof as is comprehended within the town of Mexico.

A certain other part of the town of Steuben erected into a town by the name of Rome.

And be it further enacted, That the firſt town meeting in the ſaid town of Floyd, ſhall be held at the dwelling houſe of Samuel I. Curtis in the ſaid town. That the firſt town meeting in the ſaid town of Rome, ſhall be held at the dwelling houſe of Ebenezer Claſſin in ſaid town. And the firſt town meeting in the ſaid town of Steuben ſhall be held at the dwelling houſe of Joſhua Wells in the ſaid town.

Firſt town meetings where to be held.

And be it further enacted, that the towns herein before mentioned to be erected, ſhall be conſidered as erected from and after the firſt Monday in April next, and that the freeholders and inhabitants of the ſaid towns reſpectively, ſhall be, and hereby are empowered to hold town meetings and elect ſuch town officers as the freeholders and inhabitants of any town in this ſtate may do by law, and that the freeholders and inhabitants of the ſaid towns, and the town officers to be by them elected, ſhall have the like powers and privileges, and be ſubject to the like regulations and penalties, as the freeholders and inhabitants, and town officers of the other towns of this ſtate, are entitled and ſubject to by law.

Privileges of ſaid towns the ſame as other towns.

And be it further enacted, That as ſoon as may be after the firſt Tueſday of April next, the ſupervisors of the towns aforeſaid, and the overſeers of the poor of the ſaid towns,

Poor of ſaid towns how to be divided and maintained.

shall after notice given for that purpose by the supervisors of the said towns, meet together and apportion the poor maintained by the said town of Steuben, previous to the division, and all monies raised for the support of the poor in the said town, shall at the same time be equitably divided by the supervisors and overseers aforesaid, and if the said supervisors and overseers cannot agree upon such division of the poor and money as aforesaid, then and in such case the supervisors of the county shall at their next meeting apportion and divide the poor and money as aforesaid, in such manner as shall appear to them, or a majority of them just and equitable, and the said towns shall thereafter respectively maintain their own poor.

CHAP. XXII.

An ACT *for the relief of the Indians who are entitled to Lands in Brothertown.*

Passed 4th March, 1796.

Preamble reciting that a certain tract of land in Brothertown has been set apart for the use of the Indians, and that certain white people still continue to reside thereon.

WHEREAS the Commissioners appointed in and by an act, entitled, "*An act relative to lands in Brothertown,*" have in pursuance of the said act, set off part of the tract of land therein mentioned, called "Brothertown," in one entire piece for the use of the Indians, now residing in Brothertown, and for such other Indians as may be entitled to land there, and have made a division of the remainder of the land in Brothertown, among such persons as had obtained leases from individual Indians or claimed under such leases, and sold and conveyed the same to them according to the directions of the said act, but it being inconvenient for the white inhabitants, who were then in possession of several parts of the said land, so set off for the use of the Indians, to remove immediately although they were respectively allowed, and accepted compensation for their improvements, they were left and most of them still continue in the possession thereof, and it being necessary that effectual provision be made as well for their speedy removal as to prevent any others from taking or holding possession of any part of the said land; Therefore,

The Governor to cause all such white persons to be removed from said tract.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the person administering the government of this state for the time being, and he is hereby required by the first day of May next, or as soon thereafter as may be by such ways and means as he shall judge proper to cause every white person who shall then be in possession of any part of the said tract, so set off for the use of the Indians, to be removed from the same, and shall also from time to time thereafter, if there shall be occasion by such ways and means as he shall judge proper, cause all and every white person who may be in the possession of any part of the said tract of land so set off for the use of the said Indians, to be removed from the said tract, and all expences to be thereby incurred, shall be borne and paid by this state.

Reciting that doubts have arisen what particular Indians may be entitled to part of said land.

And whereas the said Commissioners have assigned to the Indians now residing in Brothertown, particular parts of the said land so set off for the use of the said Indians, but doubts and difficulties have arisen as to what other particular Indians are entitled to part of the said land, and it is necessary that some persons be authorised as well to determine, upon application of any particular Indian whether he is entitled to settle on the said land, and if he is

to assign him a particular lot, or part for that purpose, as generally to superintend the affairs of the Indians in Brothertown aforesaid; Therefore,

Governor and Council to appoint three Superintendants to determine the same and assign the land to the Indians entitled.

Be it further enacted by the authority aforesaid, That it shall and may be lawful for the person administering the government of this State for the time being, from time to time by and with the advice and consent of the Council of Appointment, to appoint and commission three or more proper persons for that purpose to be called, superintendants of the affairs of the Brothertown Indians, who shall hold the same office during the pleasure of the Council, and such superintendants or the major part of them shall have power to determine upon application to them by or on the behalf of any particular Indian, whether he is entitled to settle upon the said land, and if he is to assign him a particular lot or part of a lot or lots at their discretion for that purpose, and it shall not be lawful for any Indian or Indian family, or other person to settle upon or take possession of any part of the said land, not assigned to him or them as aforesaid.

Reciting that mortgages have been given for a certain sum of money on sales made of land in Brothertown for the use of the Indians.

And whereas the said Commissioners have received as purchase money upon the sales made by them as aforesaid, the sum of ninety-seven pounds two shillings, and have taken mortgages in the name of the people of this State, for the payment of the further sum of fifteen thousand two hundred and seventeen pounds and four shillings, making in the whole fifteen thousand three hundred and fourteen pounds and six shillings, and have paid the said money, and delivered the said mortgages to the Treasurer of this state, so that after deducting the expences which have arisen in carrying the said act into effect, there will remain the sum of fourteen thousand, four hundred and five pounds six shillings and eight pence which is to be vested in the funds of the United States, and the interest thereof applied to and for the purposes mentioned in the said act, but as that cannot be done immediately, and the interest on the said mortgages is generally payable in small sums, and at different times it will be most convenient to the State, and advantageous to the Indians, for the state to take the said mortgages and appropriate a like sum for the use of the Indians; Therefore,

Said mortgages appropriated to the use of the state; & Treasurer annually to pay the amount of the interest to the order of the Governor who shall appropriate it for supporting a school in Brothertown & for the use of the Indians.

Be it further enacted by the authority aforesaid, That the said sum of money paid to the Treasurer by the said Commissioners and the monies to be received for principal and interest on the said mortgages, shall be appropriated to the use of the people of this state, and the Treasurer of this state for the time being, shall on the first Monday in August next and on the first Monday in August in every year thereafter out of any money then in the Treasury not otherwise appropriated, pay to the order of the person administering the government of this state for the time being, the sum of eight hundred and sixty-four pounds, six shillings and four pence, being the amount of the interest of the said sum of fourteen thousand four hundred and five pounds, six shillings and eight pence, at the rate of six per cent, who shall cause so much thereof, as may be necessary for that purpose to be applied for erecting a School-house, and maintaining a school in Brothertown for the education of Indian children, and the remainder after payment of the salary to the Attorney herein after mentioned, to and for the benefit of the Indians then residing in Brothertown, in such manner as he shall judge proper.

Indians liable to imposition from the ignorance of our laws.

And Whereas the said Indians are liable to impositions and losses from the ignorance of the laws of this state and of the proper means of seeking redress for injuries; For remedy whereof.

Governor & Council to appoint Attorney for said Indians. His duty & salary.

Be it further enacted by the authority aforesaid, That it shall and may be lawful for the person administering the government of this state for the time being, from time to time by and with the advice and consent of the Council of Appointment, to appoint and commission some proper person learned in the law, to be the Attorney of the said Indians during the pleasure of the said Council; And the person so appointed shall from time to time advise and direct the said Indians residing in Brothertown, in all controversies among themselves and with any other person, and defend all suits brought against any of them by any white person, and commence and prosecute all such suits and actions for them or any of them as he may find necessary or proper; And in the prosecution and defence of any such suits he shall observe and pursue such advice and directions as shall be given him, if any by the said superintendants, and shall receive as a compensation for his services and expences in the premises, the yearly salary of one hundred and twenty five dollars, to be paid out of the said interest money.

Indians may maintain an action of trespass for any trespass committed on their lands.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for any Indian whether male or female to whom any of the said land has been or shall be assigned as aforesaid, or who shall become entitled to the same, to sue and maintain actions of trespass and to recover damages to his or her own use, for any trespass which shall be committed upon his or her said land, either by cutting or carrying away, injuring or destroying any of the timber, wood, grass, grain, buildings, fences or other thing growing or being thereon.

Attorney may maintain an action of trespass for any trespass committed on the Indian tract also' it is not particularly assigned to any Indian.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said Attorney of the Brothertown Indians to sue and maintain actions of trespass in the name of the Brothertown Indians, for any trespass which has been since the first day of October last or shall be hereafter committed upon any part of the said land so set off for the said Indians and not assigned to any particular Indian or family; And the damages to be recovered in every such action after deducting all expences attending the recovery, shall be paid by the said Attorney to the said Superintendants, to be by them applied to and for the relief and benefit of the Indians then residing in Brothertown.

Indians may cut timber on any part of the said tract not particularly assigned.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for any Indian or Indians residing in Brothertown, to cut timber upon any part of the said tract so set off for their use and not then assigned to any particular Indian or family, for the purpose of repairing their buildings or erecting others, or for the purpose of making and repairing highways and bridges within the same tract, but for no other purpose whatsoever; *Provided always*, That it shall and may be lawful for the Indians residing in Brothertown at all times to cut any timber upon any part of the said tract so set off for their use, whether the same be assigned to any particular Indian or family or not for the purpose of making or repairing highways or bridg-

Any perſon other than Indian who ſhall cut any wood upon the ſaid tract liable to be proſecuted by the ſaid Attorney, who is hereby directed how to proceed in the proſecution.

es within the ſame tract; But if any other perſon ſhall at any time cut to carry away any timber growing or being upon any part of the ſaid tract ſo ſet off for the uſe of the Indians, every ſuch perſon ſhall be liable to an action of treſpaſs for the ſame notwithſtanding any ſale, leaſe, or licenſe of or from any Indian or Indians. And every ſuch ſale, leaſe or licence made or given, or to be made or given, is hereby declared to be utterly void. And if any ſuch treſpaſs be done upon the land aſſigned to any particular Indian or family, and the perſon or perſons entitled to the ſame do not within thirty days thereafter direct the ſaid Attorney of the Brothertown Indians to commence and proſecute a ſuit for the ſame, then the ſaid Attorney ſhall bring an Action for the ſame in the ſame manner as if the treſpaſs was done on ſome part of the ſaid tract not aſſigned to any particular Indian or family; And the declaration in ſuch caſe ſhall charge that the defendant broke and entered the cloſe of the Brothertown Indians and cut or carried away the trees or timber there growing or being, and no plea or evidence that the place where ſuch treſpaſs was committed had been aſſigned to any particular Indian or family, nor any licence or releaſe or agreement of any Indian or Indians ſhall be any bar to any ſuch action; And the damages recovered in every ſuch action ſhall be applied in the ſame manner as the damages recovered for treſpaſſes on the parts of the ſaid tract not aſſigned to any particular Indian or family.

The tract of land ſet apart for the Indians called Brothertown.

And be it further enacted by the authority aforeſaid, and it is hereby declared, That the ſaid tract of land ſo ſet off for the uſe of the Indians as aforeſaid, is herein after intended and ſhall hereafter be called and known by the name of Brothertown, and ſhall not hereafter be conſidered as any part of the town of Paris; and that the land ſo ſold as aforeſaid by the ſaid Commiſſioners ſhall hereafter be conſidered as part of the ſaid town of Paris and not as any part of Brothertown. And if any Indian to whom any part of the ſaid land ſo ſet off for the uſe of the Indians hath been or ſhall be aſſigned as aforeſaid, or who ſhall be entitled to the ſame, ſhall neglect to take poſſeſſion thereof for one year after becoming ſo entitled, or ſhall leave Brothertown with his family and continue abſent for one year, every ſuch Indian ſhall thereby forfeit all right to the ſaid land, and the ſaid Superintendants ſhall thereupon at their diſcretion aſſign the ſame land to any other Indian then reſiding in or entitled to land in Brothertown aforeſaid.

And that ſold by the Commiſſioners to be a part of the town of Paris.

And any Indian who ſhall not take poſſeſſion of the land aſſigned to him ſhall forfeit the ſame.

And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for the perſon adminiſtering the government of this ſtate for the time being, from time to time, by and with the advice and conſent of the Council of Appointment, to appoint and commiſſion five of the Indians then reſiding in Brothertown aforeſaid to be keepers of the peace there, who ſhall hold their office during the pleaſure of the Council and ſhall ſeverally have power to keep the peace in Brothertown aforeſaid, and the ſaid keepers of the peace or any three or more of them, ſhall have power to hold a court in Brothertown aforeſaid, on the firſt Monday in every month, and in ſuch court to hear and determine all diſputes and controverſies between any perſons reſiding in Brothertown aforeſaid, concerning any debt, demand or treſpaſs where the ſum due or damages ſuſtained ſhall not exceed the ſum of five

Governor and Council to appoint five Indians to be keepers of the peace.

Who ſhall have power to hold a court monthly for

trial of all cauſ- under five pounds d to ſummon perſons to ap- r before them l, to determine ſuch cauſes, &c.

pounds, and all actions for the recovery of the penalty of any bye-law to be made at any town meeting in Brothertown aforeſaid, and it ſhall be lawful for either of the ſaid keepers of the peace upon complaint made to him, to cauſe the perſon complained of to be ſummoned to appear at the xt court to be held in the ſchool-houſe in Brothertown, to anſwer the mplaint, and the ſaid keepers of the peace or the major part of them ſhall ſuch next court or other court to which the cauſe may be adjourned ar and examine the allegations and proofs of the parties and make ſuch der and decree between them as ſhall appear to them to be juſt, and if ch order and decree is not performed in one month thereafter, ſhall then ſue the ſum adjudged or decreed to either party to be levied by diſtreſs and e of the goods and chattles of the party who ſhall be adjudged or decreed pay the ſame, together with ſuch fees as are hereinafter allowed to the rſhal for executing the proceſs; but the ſaid keepers of the peace ſhall not e any fees for their ſervices. And it ſhall be lawful for the ſaid keepers the peace to adjourn any cauſe depending before them to the next court henever they ſhall find it neceſſary; and if the defendant ſhall not be perſonally ſummoned upon the proceſs againſt him and ſhall not appear at the urn thereof, a new ſummons ſhall be iſſued; but if he ſhall have been ſonally ſummoned then the court may at the return of the ſummons proed to hear and determine the cauſe whether the defendant appears or not leſs a reaſonable excuſe ſhall be offered, in which caſe they ſhall adjourn cauſe to the next court, and the judgment of the ſaid keepers of the peace of the major part of them, who ſhall attend upon the hearing of any uſe ſhall be concluſive to the parties.

rſons may be y of treſpaſſes are not able to damages.

And whereas it may happen that perſons who ſhall be guilty of committing treſpaſſes or breaches of ſuch bye-laws ſhall not have ſufficient goods and chattles to pay the damages or penalty; And whereas it is neceſſary for maintaining peace good order in Brothertown, that ſuch perſons ſhould not be unpuniſh-; Therefore,

y ſuch perſon icted of treſ- s may under a in proceſs be mitted to the y gaol for y days.

And be it further enacted by the authority aforeſaid, That if any ſuch perſon ſhall be convicted of any offence before the ſaid keepers of the peace, or any three or more of them, they ſhall give a certificate thereof, ſetting forth that the defendant (naming him) is convicted of a treſpaſs or breach of a bye-law in Brothertown, and is adjudged to pay a certain ſum money for the ſame to the plaintiff, mentioning the ſum and the plaintiffs e, and that the defendant hath not ſufficient goods and chattles in Brotown to pay the ſame; And upon producing ſuch certificate to the atey for the Brothertown Indians for the time being, and proving before that the ſame was made or given by any three or more of the ſaid keepof the peace, the ſaid attorney ſhall iſſue a warrant directed to the ſheriff e county, and to ſome or one of the conſtables of the ſaid county reſidnear Brothertown, commanding the ſaid conſtable or conſtables to take defendant and convey him to the gaol of the ſaid county, and there dehim to the ſaid ſheriff, and commanding the ſaid ſheriff to receive him the ſaid gaol, and ſafely keep him there for the ſpace of thirty days unhe ſhould ſooner pay the ſaid ſum of money, together with the fees for g and executing the ſaid warrant, which thirty days ſhall be computed the time the defendant ſhall be delivered to the ſheriff or gaoler, and

the ſaid ſheriff and his deputies, and every conſtable to whom ſuch warrant ſhall be directed are hereby required to execute the ſame according to the tenor thereof as aforeſaid, and all expences of executing any ſuch warrant and of ſupporting any ſuch priſoner in gaol ſhall be paid by the ſaid attorney of the Brothertown Indians and the ſame ſhall be repaid to him by the ſaid ſuperintendants out of the money belonging to the Brothertown Indians.

Expences of ſuch commitment how to be paid.

And be it further enacted by the authority aforeſaid, That the ſaid keepers of the peace for the time being ſhall be commiſſioners of the highways in Brothertown, and ſhall have power to direct them or the major part of them from time to time to alter any highway in Brothertown and to lay out other as there may be occaſion, and to direct how and when the ſame or any of them or any part thereof ſhall be made, mended or repaired. *Provided always*, That all highways by them laid out ſhall be at leaſt four rods wide and they ſhall cauſe a record thereof to be entered by the town clerk of Brothertown.

The ſaid keepers of the peace to be commiſſioners of high ways, and their powers defined.

And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for the male inhabitants for the time being of Brothertown aforeſaid of the age of twenty one years and upwards and they are hereby required to aſſemble together and hold town meetings at the ſchool houſe in Brothertown aforeſaid on the firſt Tueſday in April in every year at which meeting the ſenior keeper of the peace then preſent ſhall preſide and then and there to elect one town clerk, two overſeers of the poor two marſhalls and ſo many overſeers of the highways as the majority of the inhabitants ſo met ſhall think neceſſary who ſhall hold their reſpective offices for one year and until others ſhall be choſen in their places and if any of the officers ſo choſen ſhall refuſe to ſerve or ſhall die or remove out of the town or become incapable of ſerving before the next annual town meeting then and in every ſuch caſe another or others ſhall be elected in his or their places in the manner aforeſaid, at a town meeting to be held for that purpoſe, and the ſaid inhabitants of Brothertown are hereby authorized at their annual town meeting or at any other town meeting to be held for that purpoſe from time to time to make, ordain and eſtabliſh ſuch rules, orders, regulations and bye-laws as the majority of them ſo met ſhall think neceſſary and convenient for the better relief of the poor and for binding out children whoſe parents are dead or abſent, and for aſcertaining what bridges and what part of any high way each of the overſeers of the high way ſhall have the care of and which of the inhabitants ſhall be obliged to work on the high ways and how many days each of them ſhall work thereon, and for aſcertaining the ſufficiency of fences and the times, places and manner of preventing or permitting cattle horſes, ſheep and ſwine or any of them to go at large and for aſcertaining damages done by treſpaſſes and for maintaining good order among themſelves and concerning any other matters relating to their own affairs and to impoſe ſuch penalties on the offenders againſt ſuch rules, orders, regulations and bye-laws or any or either of them as the majority of the inhabitants ſo met ſhall deem proper not exceeding forty ſhillings for any one offence to be recovered with coſts by any inhabitant of Brothertown who ſhall ſue for the ſame by action of debt before the ſaid keepers of the peace or any three of them the one half

Male inhabitants of Brothertown annually to hold town meetings for electing a town clerk, overſeers of the poor, &c.

And for making regulations and bye-laws.

And impoſing penalties on offenders againſt them, &c.

which penalty when recovered shall be for the use of the person who shall sue for the same and he shall pay the other half to the overseers of the poor of Brothertown, to be by them applied to the relief of the poor. And that all such rules, orders, regulations, and bye-laws shall be entered by the town clerk in a book to be provided for that purpose and shall continue in force until revoked or altered by some subsequent town meeting, but no special town meeting shall be held for any purpose unless notice thereof signed by two or more of the said keepers of the peace be fixed up on the door of the school house in Brothertown aforesaid at least six days before the day of holding such town meeting.

Regulations and bye-laws to be entered in a book by the town clerk.

And be it further enacted by the authority aforesaid, That the overseers of the highways shall respectively cause the highways and bridges of which they shall be respectively chosen overseers to be repaired and made according to the direction of the said commissioners and shall warn the inhabitants to work thereon whenever it shall be necessary and shall superintend and direct the same.

Duties of the overseers of highways.

And be it further enacted, by the authority aforesaid, That the marshalls to be chosen in Brothertown as aforesaid shall have the like powers and authority there as constables of other towns in this state have by law in their towns and shall be entitled to one shilling for serving every summons, and two shillings for serving an execution for any sum not exceeding twenty shillings, and at the rate of two shillings in the pound for serving every execution for any sum above twenty shillings.

Authority of the marshalls the same as that of constables.

And be it further enacted by the authority aforesaid, That upon the death of any Indian residing in Brothertown to whom any land hath been or shall be assigned as aforesaid or who shall become entitled to any land so assigned if he dies possessed thereof leaving issue, the same land shall go to and be equally divided among such issue if they are all in equal degree of kindred to him or her, but if he leaves a child or children and the issue of a deceased child or children, then such issue shall stand in the place of his, her, or their parent and take only such share as his, her, or their parent would have taken if living and in like manner if any such grand child shall be then dead leaving issue such issue shall stand in his or her place and take such share as he or she would have been entitled to if living and in like manner the division shall be made where the deceased leaves any grand children and great grand children; and if such Indian leaves no issue then the land he or she dies possessed of or entitled to in Brothertown shall revert to the Brothertown Indians and the said superintendants shall thereupon assign the same to some other Indian or Indians residing in Brothertown or entitled to land there as aforesaid; but in all cases the widow of the deceased shall have a right to continue in the house her husband dies possessed of during her widowhood, and the superintendants shall also assign to her so much of the land as they may think necessary.

How land alloted to any Indian shall descend at his death.

And be it further enacted by the authority aforesaid, That the said superintendants or the major part of them or the said attorney of the Brothertown Indians if empowered by them for that purpose shall have power from time to time to settle all disputes and controversies between the Brothertown Indians concerning their said lands and to determine all claims to any of the said lands, and all disputes that may arise con-

Superintendants and attorney to settle all disputes between Indians relative to their lands and their determination to be entered in a book by the town clerk.

cerning the ſame upon the death of any Indian entitled to any land in Brothertown, and their determination ſhall be concluſive, and all orders, judgments and decrees made by them or the major part of them, relating to the ſaid land, ſhall be entered by the town clerk of Brothertown, in a book to be provided for that purpoſe.

Overſeers of the poor to be guardians of infants who have no parents.

And be it further enacted by the authority aforeſaid, That the overſeers of the poor of Brothertown for the time being ſhall be guardians of the perſons and property of all infants in the ſaid town who ſhall not have any parents there to take care of them.

No Indian to ſell liquors without a licence.

And be it further enacted by the authority aforeſaid, That it ſhall not be lawful for any Indian in Brothertown to ſell any ſpirituous liquor without a licence from the ſaid ſuperintendants under the penalty of three pounds for every ſuch offence, to be recovered before the ſaid keepers of the peace or any three of them, the one half of ſuch penalty ſhall be to the uſe of the Indian who ſhall ſue for the ſame and the other half to the uſe of the poor of Brothertown.

Town clerk to be ſupplied with books and paid for his ſervices by ſuperintendants.

And be it further enacted by the authority aforeſaid, That the ſaid town clerk in Brothertown ſhall from time to time be ſupplied by the ſaid ſuperintendants with ſuch books and paper as may be neceſſary for the execution of the duties enjoined on him by this act and ſhall be paid by the ſaid ſuperintendants annually ſuch ſum for his ſervices as they ſhall deem adequate.

Certain acts relative to the Indians repealed.

And be it further enacted by the authority aforeſaid, That the act, entitled, "*An Act for the relief of the Indians reſiding in New-Stockbridge and Brothertown*," and the act, entitled, "*An Act for the relief of the Indians reſiding in Brothertown and New-Stockbridge*," except the laſt clauſe thereof ſhall be and hereby are repealed ſo far as the ſame in any manner reſpects Brothertown or Brothertown Indians.

CHAP. XXIII.

An ACT *for the relief of the legal Repreſentatives of Joſeph Nicholas Imbert, deceaſed.*

Paſſed 11th March, 1796.

BE *it enacted by the people of the State of New-York repreſented in Senate and Aſſembly*, That all forfeitures of the goods and chattles of Joſeph Nicholas Imbert, deceaſed, who by an inqueſt taken by the coroner of the city and county of New-York, was found guilty of ſuicide, ſhall be and hereby are remitted, and it ſhall and may be lawful for the ſaid coroner, and he is hereby required to deliver all the goods and chattles which were ſeized or taken by him for the uſe of the people of the ſtate of New-York, in conſequence of the ſaid inqueſt unto the legal repreſentatives of the ſaid Joſeph Nicholas Imbert.

CHAP. XXIV.

An ACT *for adding an additional Term to the Court of Common Pleas of the County of Clinton.*

Paſſed 11th March, 1796.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That there ſhall be an additional term of the court of Common Pleas, held in and for the county of Clinton, to be held on the third Tueſday of January in every year, and that the ſaid court of Common Pleas may be continued and held until the next Saturday following inclusive.

Provided that the said court may adjourn previous to the time limited for the termination thereof, if the business of the said court will permit.

And be it further enacted, That the said court of Common Pleas, appointed to be held by virtue of this act, shall be held at the Block house in the town of Willsborough in the said county.

And be it further enacted, That the said court of Common Pleas and General sessions of the peace, to be held in and for the said county of Clinton, on the first Tuesday of October next, shall at the end of the term be adjourned, the court of Common Pleas to the third Tuesday of January next, to be holden at the Block house in the town of Willsborough in said county, and the said court of General Sessions of the Peace, to the third Tuesday in April then next.

CHAP. XXV.

An ACT to prevent Intrusions on Lands within the Jurisdiction of this State, under pretence of Title from the State of Connecticut.

Passed 11th March, 1796.

Certain persons under a quit claim from Connecticut pretend to draw into question the jurisdiction of this state, &c.

WHEREAS information has been received by this Legislature, that certain persons under pretence of title derived from a quit claim grant from the state of Connecticut, for a considerable extent of territory within this state do by various improper practices endeavour to draw into question the jurisdiction of this state over the said territory, excite opposition to the lawful authority thereof, and defame the titles of persons holding lands by grants under the great seal of this state, or under the great seal of the late colony of New-York; in order therefore, to counteract such practices, and to preserve the just rights of the citizens of this state,

Any person setting on said territory under Connecticut, deemed as holding by a foreign title against the state.

Be it enacted by the People of the State of New-York represented in Senate and Assembly, That if any person shall intrude or settle on any of the waste or ungranted lands of this state, under or by virtue of any title or claim derived from or under the state of Connecticut, take possession of or settle on any lands within the jurisdiction of this state, every such person shall be deemed as holding such lands by a foreign title against the right and sovereignty of the people of the state of New-York; and it shall be the duty of the person administering the government of this state for the time being, to remove or cause to be removed by such means, and in such manner as he shall judge proper all such persons so intruding, settling or taking possession of any lands within the jurisdiction of this state, and to cause all the buildings of such persons to be destroyed, and for that purpose in his discretion to order out any proportion of the militia from any part of this state; and every detachment so from time to time to be ordered out, shall receive the same pay and rations, and be subject to the same rules and regulations as is provided by law, when any proportion of the militia of this state is ordered out in case of invasion or other emergency.

And the governor directed to remove such persons and to cause their buildings to be destroyed, for which purpose he may order out the militia.

And be it further enacted, That every person who shall bargain, sell or convey, or by any ways or means, obtain, get or procure any pretended right or title, or make or take any promise, grant or covenant to have any right or title of any person or persons, in or to any lands, tenements or hereditaments within this state, under the same pretended title from the state of Connecticut, shall be deemed guilty of a public

Any person giving or receiving any pretended title under Connecticut deemed guilty of a public offence and may be prosecuted and disfranchised.

offence and high miſdemeanor againſt the people of this ſtate, and may be proſecuted for the ſame by indictment or information in any court of record within this ſtate, and upon conviction be puniſhed by fine and impriſonment in the diſcretion of the court, and if a citizen of this ſtate ſhall moreover be diſabled forever thereafter, from electing or being elected to any office, place, or truſt within this ſtate.

The peace officers of the counties of Otſego, Tioga, and Ontario to enquire if any perſons are ſettled on ſaid territory under ſaid pretended title and report their names if any to the governor.

And be it further enacted, That it ſhall and hereby is made the duty of and ſtrictly enjoined on the juſtices of the peace, ſheriffs and other officers of the government of this ſtate, within the ſeveral counties of Otſego, Tioga and Ontario, immediately after the paſſing of this act, and from time to time thereafter, to make enquiry in the ſaid counties reſpectively, in which they have juriſdiction, whether any perſon or perſons have already ſettled, or ſhall hereafter ſettle or claim to hold lands within the ſaid counties under pretence of title derived from ſuch quit claim or other grant from the ſaid ſtate of Connecticut, and to report the name and names of every perſon ſo ſettling or claiming to the perſon adminiſtering the government of this ſtate for the time being to the end, that they may be proceeded againſt according to law.

If any ſuit is inſtituted under ſaid claim of Connecticut, attorney general to defend the ſame and the ſtate to bear the expence.

And be it further enacted, That in caſe any ſuit ſhall be inſtituted by any perſon whomſoever claiming under any grant from the ſtate of Connecticut, for the recovery of any lands within either of the ſaid counties, the perſon adminiſtering the government of this ſtate for the time being, upon notice thereof ſhall direct the Attorney-General of this ſtate to defend every ſuch ſuit, and the faith of this ſtate is hereby pledged for defraying the expence of all the coſts and charges of defending every ſuch ſuit as aforeſaid.

CHAP. XXVI.

An ACT *to enable the Corporation of the City of Albany to ſupply the ſaid City with Water by means of Conduits.*

Paſſed 11th March, 1796.

WHEREAS the Corporation of the City of Albany have prayed the Legiſlature to be enabled to ſupply the ſaid city with ſpring water by means of conduits intended to be laid through lands belonging to others as well as through lands belonging to the ſaid Corporation, and legiſlative proviſion being neceſſary in the premiſes; Therefore,

Corporation of Albany empowered to enter on & ſurvey any lands they may deem requiſite to carry conduits, &c.

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, That the ſaid Corporation by themſelves or by an engineer or other perſon to be by them employed may enter upon any land or lands through which they ſhall deem it proper to carry any conduits, lay any reſervoirs or make any other devices for the purpoſe of ſupplying the ſaid city with water from any ſpring or ſprings in the vicinity thereof within the limits thereof, and to lay out and ſurvey ſo much ground for the ſame as ſhall be deemed neceſſary, to be aſcertained in manner herein after mentioned. And it ſhall and may be lawful for the ſaid Corporation to contract and agree with the owner or occupants ſeverally of the lands through which ſuch conduits are intended to be carried or ſuch reſervoirs and other devices to be placed, if they can agree with ſuch owners or occupants,

in case of disagreement or in case any owner or occupant shall be *Feme Covert* under age *non compos mentis* or out of the state, the lands intended to be taken for the purpose aforesaid shall be appraised, and the damages assessed by appraisers to be appointed in manner hereinafter directed.

Corporation in case of disagreement with the owners of the land to cause the same to be surveyed, &c.

And be it further enacted, That in case the said Corporation cannot agree with all the owners or occupants of the land through which such works shall be carried or erected, they shall previous to any appraisement to ascertain the value thereof and of the damages to be assessed, cause a survey and map to be made of the tract or direction in which it is intended such conduits shall run, and of the ground in their estimation requisite for such conduits, reservoirs and other devices, in the field book of which survey and maps shall be specified and distinguished the lands of each of the several owners and occupants intended to be appropriated to the works aforesaid and the quantity thereof, and shall exhibit such field book and map to the justices of the Supreme Court or to any two of them, and if such justices shall be of opinion that the land so surveyed and laid out is not more than requisite for the intended works they shall certify such field book and map under their hands and seals, and cause the same to be filed in the office of the clerk of the city and county of Albany, there to remain as a public record; and it shall then be lawful to and for the said justices by a writing under their hands and seals to appoint not less than three nor more than five discreet persons, none of which shall be inhabitants of the said city or interested in the lands so surveyed as aforesaid, to appraise the premises specified in such field book and delienated on such map; and it shall be the duty of the appraisers or a majority of such as shall be appointed to examine the lands of each person, owner or occupant, so intended to be appropriated, and to ascertain the value thereof and of the damages which each may sustain by such appropriation and to make a regular entry of each valuation and assessment of damages in a book to be by them kept for that purpose, and having compleated the valuation and assessments they shall certify the same under oath to be a true, fair and impartial valuation and assessment to the best of their belief; and shall then cause such book (the execution of the certificate being first duly proved or acknowledged) to be filed in the office of the clerk aforesaid, there to remain as a public record; and from thence forward the lands and tenements mentioned and specified in the field book and delienated on the map filed in the said office shall be and hereby is vested in fee simple in the said Corporation and their successors. *Provided always*, That such vesting shall be on the conditions following, to wit; That whenever the Chamberlain of the said Corporation shall be applied to and required by the owner or occupant of any of the lands so valued and assessed or by the legal representative of any *Feme Covert* person under age *non compos mentis* or person not within the state for the sum of money which to such applicant shall appertain, to be ascertained from the book so certified and filed by the appraisers as aforesaid, and shall neglect or refuse to pay such applicant the assessed value and damages with legal interest from the time of the filing of such book by the appraisers, it shall thenceforth be lawful to the person entitled to the amount of such valuation, damages and interest by himself or herself, his or her legal representative or attorney to prosecute the said Corporation for the same in any court within the said city and county having competent jurisdiction, and if the prose-

Appraisers to examine the land and ascertain the value thereof.

Fee simple of the land when appraised vested in the corporation on certain conditions.

cutor prevails in such suit he or she shall have judgment in his or her favour with damages and treble costs.

Penalty inflicted on persons who shall wilfully damage the conduits.

And be it further enacted, That if any person shall wilfully injure, damage or destroy any of the said conduits, reservoirs or other devices thereunto appertaining and shall be thereof convicted, the person so offending shall forfeit and pay a fine of ten pounds to the use of the said Corporation to be recovered with costs of suit before any justice of the peace, and shall moreover be liable to a suit in damages, and if a verdict is obtained against such offender, damages with treble costs shall be recovered by the said Corporation.

Corporation may establish laws for protecting said conduits.

And be it further enacted, That it shall and may be lawful for the said Corporation from time to time to make and establish such ordinances relative to the protection of the conduits and other works incident thereto as they in their discretion shall deem meet and proper, not contrary to the Constitution and laws of this State, nor shall any penalty be inflicted by any such ordinance which shall exceed the sum of forty shillings.

CHAP. XXVII.

An ACT *to authorize the raising Monies by Tax in the City and County of New-York for defraying the public Expences.*

Passed 16th March, 1796.

Corporation of New-York empowered to raise twenty thousand pounds by tax in the city and county for supporting the poor repairing the gaol and Bridewell, &c.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the Mayor, Recorder and Aldermen of the City of New-York as the supervisors of the City and County of New-York or the major part of them of whom the Mayor or Recorder shall be one, be and they are hereby authorized and empowered as soon as conveniently may be after the first day of May next to order the raising a sum not exceeding twenty thousand pounds by a tax on the estates real and personal of the freeholders and inhabitants within the said City and County of New-York, to be applied to the support and maintenance of the poor of the said City and County, for making repairs and improvements in the Gaol and Bridewell of the said City, and subsisting the criminal prisoners from time to time confined therein respectively, for repairing and maintaining the public roads, and regulating and improving the streets, and for defraying the other contingent expenses arising within and properly chargeable to the said City and County.

And a further sum of ten thousand pounds in the city, south of a certain line for paying watchmen, providing oil, attending lamps, repairing pumps, &c.

And be it further enacted, That the said Mayor, Recorder and Aldermen of the city of New-York or the major part of them, of whom the said Mayor or Recorder shall be one be and they are hereby authorized and impowered as soon as conveniently may be after the first day of May next, to order the raising a further sum not exceeding ten thousand pounds, by a tax on the estates real and personal of the freeholders and inhabitants within the said city, on the south side of a line beginning at the outlet of the meadow of Anthony Lispenard into Hudson river, thence to and along the north side of the dwelling house of Nicholas Bayard, Esquire, thence along the middle of William-street to and across the Bowery lane to Bullock street, thence along the middle of Bullock street to the East river, to be applied to the payment of so many Watchmen as

he Mayor, Aldermen and Commonalty of the city of New-York in ommon council convened, ſhall from time to time determine to be neceſſary or guarding the ſaid city, and alſo the purchaſing of oil, providing lamps and epairing and attending the lamps which now are, and from time to time here- fter may be erected within the ſaid city, and alſo the making and repairing the ublic wells and pumps in the ſaid city, and for defraying ſuch other contingent xpences of the ſaid city ariſing within the limits aforeſaid, and properly hargeable thereto, as the ſaid Mayor, Aldermen and Commonalty of the city of New-York in common council convened ſhall from time to time direct; which ſaid ſeveral ſums of money ſhall be rated and aſſeſſed according to the eſtate of each reſpective perſon ſo to be taxed, and be collected in one payment and id into the hands of the Treaſurer or Chamberlain of the ſaid city, at ſuch he after the ſaid firſt day of May next as the ſaid Mayor, Recorder and Al- rmen or the major part of them, of whom the ſaid Mayor or Recorder ll be one, ſhall direct and appoint, any thing in the ſecond ſection of the re entitled, "*An Act for the more effectual collection of taxes in the city d county of New-York*," contained to the contrary notwithſtanding.

Said ſums how to aſſeſſed, collected d paid.

And be it further enacted, That it ſhall be lawful for the col- lectors of the firſt, fourth, fifth and ſixth wards of the ſaid city, to retain in their hands the ſum of one ſhilling in the pound, and for the collector of the ſeventh ward of the ſaid city to retain in his hands the ſum of one ſhilling and three pence in the pound, and the collectors in the ſeveral other wards of ſaid city, the ſum of nine pence in the pound and no more, for their trou- in collecting and paying to the Treaſurer or Chamberlain of the ſaid city h ſums of money as ſhall be raiſed by virtue of this act, and that it ſhall awful for the ſaid Treaſurer or Chamberlain to retain in his hands the of two pence in the pound and no more for his trouble in receiving and ying the ſaid monies,

Collectors and mberlain to re- in their hands ain ſums as a penſation for r ſervices.

CHAP. XXVIII.

An ACT *for the Relief of Samuel Hull*,

Paſſed 18th March, 1796.

WHEREAS Samuel Hull by his petition to this Legiſlature hath repre- ſented that he inliſted as a ſoldier in the line of this State ſerving in the ny of the United States to ſerve during the war, that he was taken pri- er and carried to the Weſt Indies, in conſequence of which, he was re- ed as a deſerter, and could not therefore obtain the land promiſed by laws of this State to be given to ſoldiers who ſerved during the war.

nd WHEREAS the ſaid Samuel Hull being an invalid and incapable of king any ſettlement on the lands if granted to him, is deſirous that the e ſhould be granted to his brother, David Hull, of the State of New-Jer ſadler, and Samuel Sayre of New-Ark in the ſtate of New-Jerſey, maſon, ruſtees for him to be by them diſpoſed of for his benefit; Therefore,

BE it enacted by the People of the State of New York, repreſented in Senate Aſſembly, That it ſhall and may be lawful for the commiſſioners of the d Office and they are hereby authorized and directed, to grant to ſaid David Hull and Samuel Sayre the like proportion of unappropriated , part of the lands ſet apart for the uſe of the line of this ſtate, lately ſerv- in the army of the United States, as has been granted to a ſoldier of the

line of this ſtate ſerving in the army of the United States, to hold the ſaid land to them the ſaid David Hull and Samuel Sayre and their heirs and aſſigns, as joint tenants and not as tenants in common truſt, to ſell and diſpoſe of the ſaid land for the beſt price they can get for the ſame, and to apply the monies ariſing from ſuch ſale, to and for the uſe and maintainance and ſupport of the ſaid Samuel Hull during his life, and to pay the reſidue if any at his death to his legal repreſentative.

CHAP. XXIX.

An ACT *to erect a part of the County of Ontario into a ſeparate County by the name of Steuben.*

Paſſed 18th March, 1796.

BE *it enacted by the people of the State of New-York, repreſented in Senate and Aſſembly*, That all that part of the county of Ontario bounded by the Pennſylvania line on the ſouth, by the north bounds of the ſixth range of townſhips on the north, by the pre-emption line on the eaſt and by the Indian line on the weſt, ſhall be one ſeparate and diſtinct county by the name of Steuben.

And be it further enacted, That there ſhall be held in and for the county of Steuben a court of Common Pleas and a court of general ſeſſions of the peace at the town of Bath, and that there be in the ſaid county of Steuben three terms in every year, to commence and end on the days following, to wit. The firſt term to commence on the third Tueſday in June and to end on the Saturday following. The ſecond term to commence on the third Tueſday in October and to end on the Saturday following, and the third term to commence on the ſecond Tueſday in January and to end on the Saturday following. *Provided*, That in any of the terms aforeſaid the courts may adjourn previous to the day aſſigned for its termination, if the buſineſs of the court will admit. And that the firſt court of common pleas and general ſeſſions of the peace ſhall be held on the third Tueſday in June next.

And be it further enacted, That until other legiſlative proviſion ſhall be made in the premiſes, it ſhall and may be lawful to and for the juſtices of the court of ſeſſions for the ſaid county of Steuben or a majority of them at any general ſeſſions of the peace, to divide the county into as many towns as they ſhall deem neceſſary, and that the ſaid juſtices at any ſuch general ſeſſions ſhall fix and direct the place or places in each of the ſaid towns ſo to be made, at which the firſt town meeting for electing town officers ſhall be held, and all future meetings in any ſuch town ſhall be held at ſuch place as a majority of the inhabitants thereof ſhall by open vote at any town meeting appoint.

And be it further enacted, That until a gaol ſhall be provided in the ſaid county of Steuben, it ſhall and may be lawful to and for the officers and miniſters of juſtice in the ſaid county, to commit any perſon charged with the commiſſion of any crime in the ſaid county of Steuben, to the common gaol of the county of Ontario, and that it ſhall not be the duty of the juſtices of the Supreme Court to hold a circuit court once in every year in the ſaid county unleſs in their judgment they ſhall deem it proper and neceſſary, any thing in the act intitled, "*An Act for regulating trials of iſſues and for returning able and ſufficient jurors*," to the contrary notwithſtanding.

And be it further enacted, That the freeholders and inhabitants of the ſaid county hereby erected, ſhall have and enjoy all and every the ſame rights powers and privileges as the freeholders and inhabitants of any other county in this ſtate are by law entitled to have and enjoy.

And be it further enacted, That until other provision shall be made by law, the freeholders and inhabitants of the said county of Steuben, shall give their votes for two members of the Assembly in the same manner as if the said county of Steuben, was part of the county of Ontario, and that the votes taken in the said county of Steuben, at each election for members of the Assembly, shall be delivered by the clerk of the said county of Steuben, to any one of the Supervisors of the said county of Steuben, who shall carry the same to the office of the clerk of the county of Ontario without delay; and the said clerk of the county of Ontario, shall deliver the same to the Supervisors of the said county, on the last Tuesday of May in every year, and the same, together with the votes taken at the same election in the said county of Ontario, shall be canvassed by the Supervisors of the county of Ontario, and by any one or more of the Supervisors of the county of Steuben, if any shall attend for that purpose from the said county of Steuben.

CHAP. XXX.

An ACT *making Alterations in the Criminal Law of this State, and for erecting State Prisons.*

Passed 26th March, 1796.

WHEREAS the dictates of humanity and the principles of justice require that the punishment of crimes shall be proportioned to the different degrees of guilt of the offenders; Therefore,

Crimes of treason and murder punishable with death.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That every person who shall hereafter be duly convicted or attainted of any manner of treason against the people of this state, or of any kind of murder, or of aiding or abetting, or procuring any kind of murder to be committed shall suffer death for the same, and be hanged by the neck until he or she shall be dead. And that every person who shall hereafter commit and be duly convicted or attainted of any other felony now punishable with death for the first offence, except the crime of stealing from a church, shall instead of being punished with death be punished with imprisonment for life in one of the state prisons herein after mentioned; and the justices who shall give judgment in any such case shall upon consideration of all the circumstances thereof adjudge the offender to imprisonment only, or to be kept in the said prison to hard labour or in solitude or both.

All felonies now punishable with death except robbing a church to be hereafter punished by imprisonment for life, in solitude or at hard labour.

All other felonies above the degree of petty larceny to be punished by imprisonment.

And be it further enacted, That every person who shall hereafter commit and be duly convicted or attainted of any felony, other than such as are herein before enumerated and directed to be otherwise punished, and above the degree of petty larceny, and every person who shall aid, abet, assist, hire, or command any person to commit any such felony, and be thereof duly convicted or attainted, shall instead of the punishment now annexed to such crimes for the first offence, be adjudged by the justices who shall give judgment thereupon, on a consideration of all the circumstances of the case, to imprisonment in one of the said prisons, at hard labour, or in solitude, or to imprisonment only——or to all or either of them for any term not more than fourteen years: And farther, that every person who shall be a second time duly convicted or attainted of any of the said last mentioned felonies committed after such first conviction, shall instead of the

puniſhment now annexed to ſuch crimes be adjudged by the juſtices, who ſhall give judgment thereupon, on like conſideration of all the circumſtances of the caſe, to impriſonment in one of the priſons aforeſaid, at hard labour or in ſolitude, or both, for life.

No appeal allowed againſt any perſon who has been acquitted.

And be it further enacted, That no appeal ſhall be allowed againſt any perſon, where ſuch perſon ſhall have been tried for ſuch felony and acquitted thereof according to law.

Petit larceny or buying ſtolen goods, &c. to be puniſhed by fine or by impriſonment.

And be it further enacted, That every perſon who ſhall hereafter commit any manner of petit larceny, or ſhall buy or receive any goods or chattels of any value whatſoever, that ſhall be feloniouſly taken away or ſtolen from any other perſon knowing the ſame to be ſtolen, whether the principal be convicted or attainted or not, or ſhall knowingly and deſignedly by falſe pretence or pretences obtain from any other perſon, any money, goods or chattels or other effects whatſoever, with intent to cheat or defraud any perſon or body politic or corporate whatſoever, and every perſon who ſhall aid, abet, aſſiſt, hire, command or procure any other perſon to commit any ſuch offence, and every perſon who ſhall be acceſſary to any felony whatſoever after the fact, and be thereof duly convicted or attainted, ſhall, inſtead of the puniſhment now annexed to ſuch crimes for the firſt offence, be adjudged by the juſtices or court, who ſhall give judgment thereupon to pay a fine, or ſhall be adjudged to impriſonment in one of the ſaid priſons at hard labour, or in ſolitude, or both, or to impriſonment only, for any time not exceeding one year; or to all or either of the ſaid puniſhments in the diſcretion of the ſaid juſtices or court; and farther, that every perſon who ſhall be a ſecond time or oftener, duly convicted or attainted of any offence ſpecified in this clauſe, ſhall inſtead of the puniſhment now annexed to ſuch crimes, be adjudged by the juſtices or court, who ſhall give judgment thereupon to impriſonment in one of the ſaid priſons, at hard labour, or in ſolitude, or both for any time not exceeding three years.

The puniſhment of whipping for any offence under the degree of grand larceny aboliſhed.

And be it further enacted, That ſo much of the act entitled "An Act for the ſpeedy trial and puniſhment of ſuch perſons as ſhall commit any offences under the degree of grand larceny," as authorizes any court or juſtices to award or order any perſon to be puniſhed by whipping, ſhall be and hereby is repealed.

Any perſon to be impriſoned for not more than ſix months to be impriſoned in the county gaol.

And be it further enacted, That if any perſon ſhall be convicted or attainted of any offence whatſoever, and ſhall thereupon be adjudged by the juſtices or court, who ſhall give judgment thereupon to impriſonment only for a term not exceeding ſix calendar months or to pay a fine, and ſhall be committed until paid, every ſuch perſon ſhall be impriſoned in the gaol of the county where ſuch conviction ſhall happen and not elſewhere, any thing in this act to the contrary notwithſtanding.

Court may allow expences of proſecution, out of any fine aſſeſſed, provided they do not exceed five pounds.

And be it further enacted, That where any perſon ſhall be convicted of and fined for any crime or miſdemeanor, the court may in their diſcretion allow ſuch expences to witneſſes and proſecutors out of the ſame fine, as ſuch court ſhall judge reaſonable, not exceeding the ſum of five pounds, and ſhall cauſe an entry thereof to be made in the minutes of the court, and the clerk in the eſtreat thereof ſhall mention the ſame in order that the court of Exchequer may know how much of the ſaid fine is to be anſwered to the people of this ſtate, and when ſuch fine is paid to the ſheriff or other officer, he ſhall pay ſuch expences ſo allowed out of the ſame.

Any person convicted in the city and county of New-York of certain offences may for the present be committed to the Bridewell in said city, &c.

And be it further enacted, That if any person shall be duly convicted in the city and county of New-York of any offence specified in the said act, entitled "An Act for the speedy trial and punishment of such persons as shall commit any offences under the degree of grand larceny," it shall be lawful for the justices or court before whom such person shall be convicted, until the said prisons shall be ready for the reception of prisoners as aforesaid, to substitute at their discretion as heretofore, instead of the punishments prescribed by this act, a confinement of the offender to the Bridewell of the said city at hard labour therein, or at any other work or employment at any other place within the said city, any thing in this act to the contrary notwithstanding.

No crime but treason to work a forfeiture of estate.

And be it further enacted, That no conviction or attainder of any person for any offence herein before specified, except Treason, shall hereafter work a forfeiture of goods, chattels, lands, tenements or hereditaments, or of any right therein.

All forfeitures in case, of suicide, &c. abolished.

And be it further enacted, That all forfeitures to the people of this state in the nature of Deodands and in cases of Suicide and where any person shall flee from justice shall be and hereby are abolished.

It is declared unnecessary to ask the prisoner how he will be tried or if he fled or not.

And be it further enacted, That it shall not be necessary on the arraignment or trial of any person for treason or felony to ask the prisoner how he will be tried, nor to charge the jury to enquire whether the prisoner fled or not, or what goods or chattels, lands and tenements the prisoner at any time had.

Jurors in all criminal cases to be ballotted for, but the right of challenge not to be taken away.

And be it further enacted, That instead of the mode now used for electing jurors in capital cases, the jury shall in all criminal cases hereafter be ballotted for in the same manner as is now used in civil cases. *Provided*, That nothing herein contained shall be construed to take away the right of peremptory challenges in all cases where the same are now allowed by law.

Any person convicted of a crime committed before the passing of this act to make his election whether he will be punished in the old mode, or in the manner directed by this act.

And be it further enacted, That if any person shall hereafter be convicted of any crime committed before the passing of this act the punishment whereof is hereby changed, he or she shall be sentenced to such pains and punishments as by the laws now in force are directed to be inflicted, unless such convict shall openly pray the court who shall give judgment thereupon that sentence may be pronounced against him or her according to the provisions of this act for the like offence, in which case the said court shall comply with the said prayer, and pass such sentence on such convict as they would have done if such offence had been committed after the passing of this act. And in order to carry this act into execution,

Two state prisons to be erected, one in the city of New-York, and the other in the city or county of Albany.

Be it further enacted, That there shall be erected in the *city of New-York*, at such place as the Commissioners herein after first named shall appoint, a strong building to be called *the State Prison in the city of New-York*, and to be appropriated exclusively for the reception of convicts who may be sentenced to punishment therein. And that there shall be erected in the city or county of Albany, at such place as the Commissioners herein after secondly named shall appoint, a strong building, to be called *the State Prison in the county of Albany*, and to be appropriated exclusively for

the reception of convicts, who may be ſentenced to puniſhment therein; And that John Watts, Mathew Clarkſon, Iſaac Stoutenburgh, Thomas Eddy and John Murray, junior, ſhall be and are hereby appointed a board of Commiſſioners for erecting and building the State Priſon in the city of New-York, and that the ſaid Commiſſioners ſhall be and hereby are authorized to purchaſe a ſuitable lot or lots not exceeding two acres in the whole, for the purpoſe of erecting ſuch priſon thereon, and to take a conveyance for the ſame to the people of the ſtate of New-York, and cauſe a priſon to be erected thereon upon ſuch plan and conſtruction and of ſuch dimenſions as they ſhall deem beſt adapted for the ſafe keeping and employing convicts who may be ſentenced to puniſhment therein. And that Philip Schuyler, Abraham Ten Broeck, Daniel Hale, Jeremiah Van Renſſelaer and Tunis Ts. Van Veghten ſhall be and hereby are appointed a board of Commiſſioners for erecting and building the State Priſon in the county of Albany, and that the ſaid laſt mentioned Commiſſioners ſhall be and hereby are authorized to purchaſe a ſuitable lot or lots not exceeding four acres in the whole for the purpoſe of erecting ſuch priſon thereon, and to take a conveyance for the ſame to the people of the ſtate of New-York, and cauſe a priſon to be erected thereon upon ſuch plan and conſtruction and of ſuch dimenſions as they ſhall deem beſt adapted for the ſafe keeping and employing convicts who may be ſentenced to puniſhment therein. And to the end that the ſaid commiſſioners may be enabled to defray the expence of building the ſaid priſons and to make payment for the purchaſes to be by them made as aforeſaid, the Treaſurer of this State ſhall from time to time on the warrants of the perſon adminiſtering the government of this State for the time being pay to the order of the ſaid commiſſioners for erecting a State priſon in the city of New-York, and to the order of the ſaid commiſſioners for erecting a ſtate priſon in the county of Albany out of any monies in the Treaſury not otherwiſe appropriated, the ſum or ſums mentioned in ſuch warrants. *Provided*, That ſuch ſum or ſums of money to the ſaid commiſſioners for erecting a ſtate priſon in the city of New-York ſhall not in the whole exceed twenty five thouſand pounds. And that ſuch ſum or ſums of money to the ſaid commiſſioners for erecting a ſtate priſon in the county of Albany ſhall not in the whole exceed twenty thouſand pounds.

Commiſſioners appointed for erecting ſaid priſons and purchaſing lots to build them upon.

Treaſurer to pay on the governor's warrant certain ſums to ſaid commiſſioners for defraying the expenſe of building ſaid priſons.

And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners for erecting the ſaid State Priſon in the city of New-York, and for the ſaid commiſſioners for erecting a State Priſon in the county of Albany, to appoint a proper agent or agents out of their body or otherwiſe to purchaſe the requiſite materials for building the ſaid priſons reſpectively, and to ſuperintend the mechanics and labourers to be employed in erecting the ſame, and to keep ſuch accounts and to do and diſcharge all ſuch other duties incident to the premiſes, as ſhall from time to time be enjoined and directed by ſuch commiſſioners reſpectively, who are hereby authorized to ſtipulate with ſuch agent or agents the compenſation to be allowed for ſuch ſervices.

Commiſſioners to appoint agents to purchaſe materials, ſuperintend the workmen, &c.

And be it further enacted, That the ſaid commiſſioners ſhall reſpectively account with the Auditor of this State for the expenditure of all monies which ſhall come to their hands reſpectively by virtue of this act at or before the

Commiſſioners to account with the auditor for the expenditure of the monies.

next meeting of the Legiſlature, and whenever they ſhall be thereunto afterwards required.

A majority of the commiſſioners may execute the duties.

And be it further enacted, That all and every the duties enjoined on each board of the commiſſioners appointed by this act ſhall and may be executed by a majority of each board, or by a majority of the ſurvivors thereof.

Council of Appointment to appoint a board of inſpectors for each priſon, who ſhall viſit the ſame once in a month and together with the judges of ſupreme court ſhall form rules for the government of convicts confined therein, for their diet, cloathing, &c.

And be it further enacted, That the perſon adminiſtering the government of this State for the time being, by and with the advice and conſent of the Council of Appointment, ſhall from time to time, and as often as it ſhall be neceſſary, appoint ſuch number of perſons for each of the ſaid priſons as ſhall be neceſſary to form a board of inſpectors therefor. *Provided*, That there ſhall not be more than ſeven inſpectors at any one time for each priſon, and that the inſpectors ſhall meet at the priſon for which they are reſpectively appointed, once at leaſt in every month, and oftener if neceſſary, or if required by the viſiting inſpectors herein after mentioned, and that the ſaid inſpectors of each of the ſaid priſons together with the juſtices of the Supreme Court, or any two of them, ſhall have power from time to time to make ſuch rules as they ſhall deem proper for the government of the convicts confined in each of the ſaid priſons reſpectively, their diet, cloathing and maintenance, and for all other the interior regulations of the ſaid reſpective priſons not inconſiſtent with the Laws and Conſtitution of this State and the intention of this act. And the ſaid inſpectors of each of the ſaid priſons ſhall appoint two or more of their members to be viſiting inſpectors, and renew ſuch appointment at leaſt once in every month, and whoſe duty it ſhall be to viſit the priſon for which they are inſpectors, once at leaſt in every week.

Inſpectors to appoint out of their body viſiting inſpectors to viſit the priſons weekly.

Council of Appointment to appoint a keeper for each of the ſaid priſons, with a ſalary of 350l per annum.

And be it further enacted, That the perſon adminiſtering the government of this State for the time being, by and with the advice and conſent of the Council of Appointment, ſhall as often as may be neceſſary appoint a keeper for each of the ſaid priſons, and that ſuch keepers ſhall if to be procured, be perſons having ſome mechanical profeſſion, and that it ſhall be the duty of ſuch keepers to receive all priſoners adjudged to impriſonment in the ſaid priſons reſpectively by virtue of this act, and them ſafely to keep in ſuch manner as their reſpective ſentences ſhall direct, and according to the rules to be made for their government, diet, cloathing and maintenance, and the interior regulations of the ſaid priſons as aforeſaid; and that the ſaid keepers ſhall each of them receive for their ſervices at and after the rate of three hundred and fifty pounds annually, to be paid quarter yearly by the Treaſurer of this State, out of the monies not otherwiſe appropriated, on a warrant to be given therefor by the perſon adminiſtering the government thereof.

And keepers to appoint their aſſiſtants, by the approbation of the inſpectors.

And be it further enacted, That the keeper of each of the ſaid priſons ſhall appoint his aſſiſtants. *Provided*, That the number ſhall from time to time be determined by the inſpectors thereof, and that no perſon ſhall be appointed an aſſiſtant other than with the approbation of a majority of the inſpectors, and that if ſuch aſſiſtants ſhall be of any mechanical profeſſion, it ſhall be a part of their duty to inſtruct the convicts in ſuch work as may

be aſſigned them ſo far forth as ſuch aſſiſtants may be able to afford ſuch inſtruction; and that each aſſiſtant ſhall receive for his ſervices at and after the rate of one hundred pounds per annum, payable in the ſame manner as the compenſation to the keepers is herein before directed to be made.

Inſpectors to purchaſe cloathing bedding proviſion, raw materials, &c. to be manufactured by the convicts; and to keep accounts thereof; Alſo to keep ſeparate accounts for each convict, of his ſupport and of the avails of his labour, and on the diſcharge of a convict may give him any ſurplus he may have earned beyond his ſupport.

And be it further enacted, That it ſhall and may be lawful for the inſpectors of each of the ſaid priſons, either by themſelves or by an agent or agents to be by them from time to time appointed, to purchaſe ſuch cloathing, bedding, proviſions, tools, implements, raw or other materials, on which to employ the convicts, and generally whatſoever elſe may be requiſite, proper and incident to the execution of the truſt conferred on the ſaid inſpectors by this act; and ſhall cauſe to be kept regular accounts of all the articles ſo to be purchaſed, and of the avails ariſing on the ſales of any articles manufactured by the convicts in ſuch priſons, and ſhall alſo cauſe ſeparate accounts to be opened for each of the convicts who ſhall from time to time be committed to either of the ſaid priſons, in which account the convict ſhall be charged with the expence of proſecution, cloathing, bedding and ſubſiſtance, and with a due proportion of the expence of the raw materials and implements upon which and with which ſuch convict may be employed, and to credit ſuch convict with the avails ariſing from any labour by him or her performed; and if ſuch credit ſhall exceed the debit ſide of the account, it ſhall be in the diſcretion of the inſpectors when ſuch convict is diſcharged to give him or her a part or the whole of ſuch exceſs, and if the whole is not given, to carry the reſidue to the credit of the State, together with the whole of ſuch exceſs, if any convict is ſentenced to impriſonment for life and does not obtain his diſcharge by a pardon from the Executive.

Or credit the ſtate with the ſame at their diſcretion.

Boards of commiſſioners when the priſons are ready for the reception of convicts may draw from the treaſury on the governor's warrant, each board, for carrying into effect the duties enjoined on them.

And be it further enacted, That whenever either of the ſaid boards of commiſſioners ſhall ſignify to the perſon adminiſtering the government of the State for the time being that the priſon to be built under the direction of ſuch board is ſo far completed as to be ready for the reception of convicts, it ſhall and may be lawful for the Treaſurer of the State on the warrant of the perſon adminiſtering the government of the State for the time being, to pay to the order of the inſpectors for the time being of ſuch priſon the ſum of money in ſuch warrant to be expreſſed, not exceeding the ſum of one thouſand pounds, to be by the ſaid inſpectors applied to carry into effect what is enjoined them by this act, and alſo ſuch other contingent expences as may ariſe in the premiſes, and ſhall account with the Auditor of this State for all monies by them received and diſburſed, and alſo ſhall annually render to the Legiſlature a general account of the State Priſons, and of the priſoners therein reſpectively.

Expence of conveying convicts to the ſtate priſons & ſuſtaining them therein, to be defrayed out of the ſtate treaſury.

And be it further enacted, That in all caſes where any perſon or perſons ſhall be adjudged to impriſonment in either of the ſaid State Priſons by virtue of this act, all expences and charges to ariſe in conveying of ſuch offender or offenders to either of the ſaid ſtate priſons, and alſo the ſuſtenance and ſafe keeping of ſuch offender or offenders therein, ſhall be defrayed out of the Treaſury of this State.

On sentence of any person to be confined to either of the state prisons, the clerk of the court shall give the sheriff a copy of the sentence, &c.

And be it further enacted, That when any person shall be sentenced to imprisonment in either of the said State Prisons, the clerk of the court shall make and deliver a copy of the sentence to the sheriff who shall when he conveys such convict to such State Prison deliver the same copy with the prisoner to the keeper thereof, and the said keeper shall thereupon pay the said sheriff for conveying such convict to the said prison one shilling and six pence a mile, to be computed from the place where such prisoner was convicted, and shall deliverthe account thereof to the inspectors of such prison, who shall hereupon repay the said keeper out of any moneies in their hands.

Keepers of the prisons before they enter on their trust to take an oath and give bond with sureties for 1000l.

And be it further enacted, That the keepers of the said prisons shall before they enter upon the execution of the trust reposed in them by this act, take and subscribe before any judge or justice of the peace an oath, well and faithfully to demean themselves in their respective offices, and shall also each of them, execute a bond to the people of this State, with sufficient sureties to be approved of by the inspectors of the prison for which such keeper shall be appointed, or a majority of them; which bonds, and a certificate of such oath having been taken, shall be lodged in the office of the clerk of the county where such prison is, and which bond shall be in the penal sum of one thousand pounds, conditioned that such keeper shall well and faithfully perform the duties required of him by this act.

Every person sentenced to imprisonment to be confined in the county gaol until the state prisons are ready, and to be maintained at the expence of the county.

And be it further enacted, That every person who shall be convicted of any offence made punishable by this act by imprisonment shall until the state prison in which such person or persons are to be imprisoned, be built, and ready for the reception of prisoners sentenced to imprisonment therein by virtue of this act, it shall be lawful for the justices or court who shall give judgment thereupon, and they are hereby required to direct and cause any person so convicted and sentenced to imprisonment to be confined in the gaol of the county wherein such conviction shall be had or in any other of the county gaols in this State at their discretion, until the state prison wherein such person or persons are to be imprisoned shall be ready for the reception of prisoners, and that until such state prisons shall be built, the sustenance and safe keeping of the offenders, shall be at the expence and charge of the counties respectively in which the conviction shall be had.

As soon as as either of the prisons is ready, governor to give public notice thereof by proclamation, and to direct the sheriffs to convey their prisoners to the same.

And be it further enacted, That the person administering the government of this State for the time being, as soon as either of the said state prisons is ready for the reception of prisoners, shall issue a proclamation giving public notice thereof, and directing the sheriffs of the several counties to convey the prisoners in the goals of their counties to the state prison wherein such offenders are to be imprisoned, and that thereupon the said sheriffs shall forthwith safely convey such prisoners to such prison.

Governor may pardon any person now under sentence of death, with such conditions as usual, or may annex a condition of commitment to such prison to his discretion.

And be it further enacted, That it shall and may be lawful for the person administering the government of this State for the time being, in all cases in which he is authorized by the constitution to grant pardons, to grant the same to persons now under sentence of death, and if he shall not deem it proper to grant the same without conditions to stipulate in such pardon that the convict shall *shall* be confined to imprisonment

in the gaol where ſuch convict now is, until the ſtate priſons or one of them ſhall be ready for the reception of priſoners, and then to be confined in one of the ſaid ſtate priſons to hard labour or to ſolitary confinement for ſuch term as the ſaid Executive in his diſcretion ſhall deem meet and proper. And the keeper of ſuch ſtate priſon is hereby required to receive ſuch convict and obſerve ſuch order in the ſame manner as tho' ſuch convict had been adjudged to impriſonment by the court under this act.

Convicts in ſaid priſons how to be cloathed, fed and kept at work.

And be it further enacted, That all ſuch convicts as aforeſaid who ſhall be ſentenced to impriſonment in either of the ſaid priſons ſhall be cloathed in habits of coarſe materials, uniform in colour and make, and be ſuſtained upon inferior food at the diſcretion of the ſaid inſpectors, and ſhall be kept as far as may be conſiſtent with their ſex, age, health and ability, to hard labour; and if the work to be performed is of ſuch a nature as may require previous inſtruction and neither the keeper nor aſſiſtants can give inſtruction therein, proper perſons for that purpoſe, to whom a ſuitable allowance ſhall be made, ſhall be provided by the viſiting inſpectors to be appointed by virtue of this act, during which labour the ſaid offenders ſhall be kept ſeparate from each other if the nature of the employments will admit thereof, and where the nature of ſuch employment requires two or more to work together, the keepers of the ſaid reſpective priſons, or their aſſiſtants, ſhall if poſſible be conſtantly preſent.

No perſon to enter the priſons without a permit.

And be it further enacted, That no perſon whatever, except the keeper, aſſiſtants or ſervants, the ſaid inſpectors, officers and miniſters of juſtice, miniſters of the goſpel, or perſons producing a written licence ſigned by two of the inſpectors, ſhall be permitted to enter within the walls where ſuch offender ſhall be confined.

Inſpectors to appoint a phyſician to attend each of the priſons.

And be it further enacted, That the inſpectors of the ſaid priſons reſpectively, ſhall and may from time to time appoint a phyſician to attend ſuch priſon who ſhall receive a compenſation for all his ſervices by him performed, to be determined by the inſpectors of the ſaid priſons reſpectively.

Power given to the keepers to puniſh the convicts confined.

And be it further enacted, That the keepers of the ſaid priſons ſhall have power to puniſh all convicts for aſſaults, profane curſing and ſwearing or indecent behaviour, idleneſs or negligence in work, or wilful miſmanagement of it, or of diſobedience of all lawful orders and regulations by confining ſuch offenders in the ſolitary cells of the ſaid priſons, and by keeping them on bread and water only for ſuch term as any two of the ſaid inſpectors ſhall judge proper and neceſſary.

Any perſon ſelling ſpirituous or fermented liquors in ſaid priſons, liable to a fine of five pounds.

And be it further enacted, That if either of the keepers of the ſaid priſons or their aſſiſtants or ſervants or other perſon whatſoever ſhall introduce into or give away or barter or ſell within either of the ſaid priſons any ſpirituous or fermented liquors (excepting only ſuch as the ſaid keepers ſhall uſe in their own families or ſuch as the inſpectors thereof may permit or ſuch as may be required for any priſoner in a ſtate of ill health and for ſuch purpoſe preſcribed by an attending phyſician) ſuch perſon ſhall forfeit and pay the ſum of five pounds to be recovered with coſts of ſuit by any perſon who will ſue for the ſame before any juſtice of the peace of the county, the one moiety of which forfeiture ſhall when recovered be re-

tained by the person recovering the same, and the other moiety to be paid to be paid to the inspectors for the purposes in this act contained.

Prison in the city of New York to be for convicts in the Southern & Middle Districts, and the other prison for convicts in the Eastern and Western Districts.

And be it further enacted, That the state prison to be built in the city of New-York, shall when compleated and ready for the reception of prisoners, be the prison for such offender or offenders as may in the Southern and Middle districts of this state be sentenced to imprisonment by virtue of this act; and that the state prison to be built in the county of Albany, shall when compleated and ready for the reception of prisoners, be the prison for such offender or offenders as may in the Eastern and Western Districts of this State be sentenced to imprisonment by virtue of this act.

Majority of the several boards empowered to act.

And be it further enacted, That all and every duty enjoined on the respective boards of directors to be appointed in conformity to this act shall and may be executed by a majority of such board, or the majority of such of them as shall from time to time be in office.

All sheriffs when conveying convicts to said prisons to have the like power to command assistance as if they were in their own county.

And be it further enacted, That the sheriffs of the several counties within this state during the time that they or either of them shall be conveying to either of the said state prisons any person or persons convicted in any of the counties within this state according to this act, shall have the same power and the like authority to demand the assistance of any of the people of this state in securing all such persons as if such sheriff were in the county for which he is appointed sheriff, and all persons shall be aiding and assisting such sheriff under the same penalties as if such sheriff was in his proper county.

CHAP. XXXI.

An ACT *to enable the Freeholders and Inhabitants of a part of the Township of Schenectady therein mentioned to elect Commissioners for certain enumerated purposes.*

Passed 26th March, 1796.

BE *it enacted by the people of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the freeholders and inhabitants residing in that part of the township of Schenectady which lies to the southward of the Mohawk river, and not more than three quarters of a mile distant from the Dutch church, and who are entitled to vote at town meetings to Assemble on the first Tuesday of May ensuing the passing of this act, and on the first Tuesday in May in every year forever thereafter, at such place as shall be previously appointed by public advertisement at least ten days before the day of election by the justices of the peace residing within the limits aforesaid, who are hereby made Inspectors of said election, and then and there by plurality of voices to elect nine freeholders commissioners to regulate the police of said town, who shall continue in office until the second Tuesday of May in the ensuing year, or until others are chosen in their room.

Commissioners shall make rules for paving and cleaning the streets, regulating the ferry, markets, &c.

And be it further enacted, That it shall and may be lawful for the commissioners aforesaid from time to time to make such prudential rules, orders and regulations as they or a majority of them shall deem proper for regulating, cleansing and paving the streets, for regulating the mode of conducting the ferry within the limits aforesaid, for esta-

bliſhing and regulating a market and market houſe, for ſweeping and cleaning chimneys, for the more effectual and orderly prevention and removal of nuiſances, and for the due regulation and management of all other matters which appertain to and may concern the good government and police of the ſaid town within the limits aforeſaid. *Provided*, That ſuch bye-laws be not contrary to or inconſiſtent with the Conſtitution and Laws of this State, and to impoſe ſuch penalties on the offenders againſt ſuch rules, orders and regulations as they in their diſcretion ſhall deem meet and proper, not exceeding the ſum of forty ſhillings for any one offence, which penalty ſhall be recovered by the ſaid Commiſſioners for the time being in their own names, with coſts of ſuit for the uſe of the ſaid freeholders and inhabitants, by action of debt before any juſtice of the peace reſiding in the ſaid town.

And in order to inſure the benefit intended by this Act,

Commiſſioners to cauſe an eſtimate to be made of the expence that will attend the levelling and paving the ſtreets.

BE it further enacted, That the Commiſſioners aforeſaid ſhall cauſe an eſtimate of the expence that may accrue in digging out, filling up, pitching and paving any of the ſtreets within the limits aforeſaid to be taken, and an equitable aſſeſſment thereof to be made among the owners or occupants of the houſes and lots of ground benefited thereby, in proportion as nearly as may be to the advantage they ſhall be deemed reſpectively to receive therefrom. And in order that the ſame may be impartially performed,

And ſhall appoint ſeven freeholders to make the aſſeſſment impartially among the inhabitants.

the ſaid Commiſſioners ſhall from time to time appoint ſeven freeholders for this purpoſe, who ſhall before they enter upon the execution of the truſt repoſed in them, be duly ſworn before one of the juſtices of the peace of the ſaid town to make the ſaid aſſeſſment fairly and impartially according to the beſt of their ſkill and judgment, and a certificate in writing of ſuch aſſeſſment being returned to the ſaid commiſſioners and ratified by them ſhall be binding and concluſive upon the owners and occupants of ſuch lots and houſes ſo to be aſſeſſed reſpectively; and ſuch owners and occupants ſhall thereupon become liable and chargeable and they are hereby required on demand to pay to ſuch perſon or perſons as ſhall be authorized by the written order of the Commiſſioners to receive the ſame, and in default of payment thereof it ſhall and may be lawful for the ſaid commiſſioners by warrant under their hand and ſeal to cauſe ſaid ſum or ſums of money ſo aſſeſſed to be levied by diſtreſs and ſale of the goods and chattels of the owner or occupants of ſuch houſe or lot ſo aſſeſſed, and refuſing or neglecting to pay the ſame, rendering the overplus if any there be, after deducting the ſum aſſeſſed and the charges of diſtreſs and ſale to ſuch owner or occupant or his or her legal repreſentative.

Who when they have made ſuch aſſeſſment ſhall certify the ſame to the commiſſioners and the owners of houſes ſhall pay the ſums aſſeſſed on them.

What is to be done in default of payment.

Commiſſioners to eſtabliſh the rates at which labor and materials ſhall be received.

Provided, That it ſhall be lawful for the ſaid commiſſioners to direct and eſtabliſh the rates at which any labor performed, or materials furniſhed by any ſuch owner or occupant for and towards the digging out, filling up, pitching and paving in manner aforeſaid, ſhall be credited on the ſaid aſſeſſment. *Provided alſo*, That the amount of the expence to be eſtimated and levied by the commiſſioners as aforeſaid, ſhall not in any one year exceed the ſum of three hundred pounds.

Yearly ſum to be aſſeſſed limitted to 300l.

No agreement between landlord and tenant to be affected by this act.

And be it further enacted, That nothing in the preceding clauſe ſhall be conſtrued to effect any contract or agreement which hath been or ſhall be made between any landlord and tenant reſpecting the payment of any ſuch charges or repairs, but that they ſhall be anſwerable to each other in like manner as if this act had never been made; and in caſe any money ſo from time to time to be aſſeſſed for the purpoſes aforeſaid ſhall be paid by any perſon when by agreement or by law the ſame ought to have been paid by ſome other perſon, that then it ſhall and may be lawful for the perſon ſo paying the ſame, and he ſhall be and hereby is authorized and empowered to ſue for and recover the ſame, with intereſt and coſts of ſuit, in any court having cognizance thereof, as ſo much money paid for the uſe of the perſon for whom or for whoſe uſe the ſame ſhall have been paid.

If after the finiſhing of any work, the money raiſed proves inſufficient, commiſſioners may raiſe a further ſum, and if there ſhall be a ſurplus, the ſame ſhall be returned to the perſons from whom it was collected.

And be it further enacted, That if after compleating any work authorized by the third ſection of this act, it ſhall appear that more money has been neceſſarily expended than was actually eſtimated and collected, it ſhall be lawful for the ſaid commiſſioners to cauſe a further aſſeſſment to be made of the ſum which ſuch neceſſary expenditure ſhall exceed the ſum ſo eſtimated and collected as aforeſaid, upon the owners and occupants of the houſes and lots before aſſeſſed, and to cauſe the ſame to be collected in like manner as herein before directed; and in caſe the ſums actually expended ſhall be leſs than the ſum expreſſed in ſuch eſtimate, and actually collected as aforeſaid, the ſurplus ſhall be forthwith returned to the reſpective perſons from whom the ſame were collected and received, or his or her legal repreſentative, in proportion to the ſum or ſums which they were aſſeſſed, and actually paid.

And be it further enacted, That all and ſingular the duties enjoined on the commiſſioners to be appointed by virtue of this act ſhall and may be performed by a majority of them; and that a majority of the freeholders to be appointed to aſſeſs the monies to be aſſeſſed for the purpoſes in this act mentioned, ſhall have the ſame power as if all were preſent at the making of ſuch aſſeſſment.

CHAP. XXXII.

An ACT *directing the Manner of appointing Electors for the Election of a Preſident and Vice Preſident of the United States.*

Paſſed 26th March, 1796.

BE *it enacted by the People of the State of New York, repreſented in Senate and Aſſembly*, That whenever an election of a Preſident and Vice Preſident of the United States ſhall be become neceſſary at the ordinary period, or prior thereto, electors ſhall be appointed in this State for ſuch election in the manner provided by the conſtitution of this State for the appointment of delegates to repreſent this State in the then general Congreſs of the United States of America. And that the legiſlature ſhall meet for that purpoſe on the firſt Tueſday of November next, and on the firſt Tueſday of November in every fourth ſucceeding year. And the electors ſhall meet and give their votes at the city of Hudſon, in the county of Columbia, at the time and in the manner directed in and by the act of Congreſs, entitled, "An act relative to the election of a Preſident and Vice Preſident

of the United States, and declaring the officer who shall act as President in case of vacancies in the offices both of President and Vice President," and then and there do execute and perform all the duties enjoined on them by the said act.

And be it further enacted, That the executive of this State, immediately after any appointment of electors for the election of a President and Vice President of the United States, shall, by express at the expence of this State, cause notice of such appointment to be given to each of the persons so appointed, and shall also, on or before the meeting of the electors, cause such list of the names of the electors to be delivered to them as is directed by the said act of Congress.

And be it further enacted, that whenever an election of a President and Vice President shall become necessary prior to the ordinary period, the executive of this State shall by proclamation convene the legislature of this State on the first Tuesday of November thereafter, in order that electors may be appointed for the purpose.

CHAP. XXXIII.

An ACT *relative to the Courts of Common Pleas and General Sessions of the Peace in the County of Onondaga.*

Passed 26th March, 1796.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That there shall be an additional term of the court of common pleas, and of the court of general sessions of the peace, in the county of Onondaga; and that the said courts shall be held at the times and places following, that is to say: The first term of the said courts shall be held in the town of Manlius, in the said county, on the fourth Tuesday in the month of May next; another term of the said courts shall be held in the town of Scipio, on the fourth Tuesday in September next; and a third term shall be held in the said town of Manlius, on the fourth Tuesday in January next: And every subsequent term in each year shall be held alternately in the said towns of Scipio and Manlius, on the days respectively above mentioned, any thing in any former law to the contrary notwithstanding.

And be it further enacted, That it shall and may be lawful to and for the judges and justices of the said courts to continue and hold the said courts from the days on which by this act the terms are severally to commence until the Saturday following inclusive. *Provided nevertheless*, That it shall and may be lawful for the said courts to adjourn to the next succeeding term, on any day previous to the last day to which the power of holding the said courts is hereby limited as aforesaid.

CHAP. XXXIV.

An ACT *authorising a Loan of Money to James Grier.*

Passed 26th March, 1796.

WHEREAS James Grier, of the town of Clermont, in the county of Columbia, hath represented to the legislature that he intends to establish and prosecute the manufactory of several articles the produce of the United States; Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the Treasurer of this State is hereby authorized and di-

rected to advance on loan to the said James Grier, out of any monies in the treasury not otherwise appropriated, on the first day of May next, the sum of six thousand pounds. Provided, That the said James Grier shall, previous to receiving the said monies directed to be loaned him by virtue of this act, enter into a bond to the people of the State of New-York, in the penal sum of twelve thousand pounds, conditioned for the faithful payment of the said sum of money in six years from the date of the said obligation, together with interest annually for the same at the rate of six per cent. by the year; and that the said James Grier, or some other person in his behalf, shall execute to the said treasurer a good and sufficient mortgage upon such unincumbered real estate of double the value of the said money, as the Treasurer, the Attorney General and Surveyor General shall think sufficient (exclusive of any buildings on the same) for securing the sum of money loaned by this act, with interest on the same as aforesaid; which said mortgage the Treasurer is hereby directed to procure to be duly recorded, and to hold the same for the use of the people of this State. *And provided also*, That before any money shall be advanced on loan, as herein before directed, the said James Grier shall give such security to the Treasurer as he shall deem sufficient that the money received by the said James Grier, in virtue of this act, shall *bona fide* be applied to the purpose of prosecuting the manufactory of iron and tobacco within this State.

CHAP. XXXV.

An ACT *to amend an Act, entitled, An Act for the better levying and accounting for Fines, Forfeitures, Issues, Amerciaments, and Debts due to the People of this State.* Passed 26th March, 1796.

All executions hereafter out of the court of exchequer for levying a fine on a juror, &c. to be only against the goods of the defendant, &c.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That in future all executions to be issued by the court of exchequer for levying a fine imposed on any grand juror, petit juror, or other officer, for refusing or neglecting to attend a court, shall be only against the goods of the debtor or defendant; and where there shall be more than one such defendant in a county, then, instead of a separate execution against each defendant, it shall be sufficient if the names of the several defendants, and opposite thereto the debts to be made of their goods respectively, shall be written on a schedule to be annexed to an execution, commanding the sheriff, that of the respective goods and chattels of the several defendants named in such schedule, he cause to be made the several debts therein specified opposite to the names of the said defendants respectively.

And be it further enacted, That such part of the said act which requires the sheriff, where the execution shall be against the body, lands and goods, if sufficient goods and chattels of the debtor or defendant shall not be found, to enquire what lands or tenements the debtor or defendant hath or was seized of, shall be repealed; and instead thereof, in future, such execution shall require the sheriff, if sufficient goods or chattels of the debtor or defendant cannot be found in his bailiwick, then that he cause the debt to be made of the lands and tenements whereof such debtor or defendant was seized on the day when such lands or tenements became liable to such debt in the usual form as in writs of *Fieri Facias*, in private suits.

What is to be done by the sheriff when he cannot find sufficient goods wherefrom to levy.

Sheriffs, when their accounts are credited by the court to receive out of State treaſury any balance that may be due to them, and to be allowed for all ſervices done for the public.

And be it further enacted, That if on auditing the account of any ſheriff to be audited in the ſaid court, a balance ſhall be found in favour of ſuch ſheriff, he ſhall be entitled to receive the ſame out of the treaſury of the State, on a certificate under the hand of the judge, and under the ſeal of the ſaid court; and that ſheriffs ſhall be allowed in their accounts, for all ſervices done by them in their offices for the public, the like fees as are allowed for the like ſervices in cauſes between private parties. And further, where a fine impoſed on a grand juror, petit juror, or any officer for neglecting or refuſing to attend a court, ſhall have been levied by the ſheriff, and by him paid to the clerk of the ſaid court, and ſhall afterwards, on the petition of the defendant, be remitted by the ſaid court in whole or in part, ſuch defendant ſhall, on a like certificate, be entitled to receive the ſum ſo remitted out of the treaſury of the State.

All executions for levying a fine to contain a clauſe directing the ſheriff to notify the defendants, &c.

And be it further enacted, That every execution for levying ſuch fines ſhall contain a clauſe commanding the ſheriff that at the time of levying the fines he notify the defendants ſeverally, that if they ſhall deem they have ſufficient matter to ſhew for remitting the fines levied from them reſpectively, that they appear in the ſaid court of exchequer on the firſt day of the then next enſuing term of the ſupreme court, or at the firſt circuit court to be thereafter held in the county to ſhew ſuch matter. And the judges of the ſupreme court ſhall ſeverally certify into the court of exchequer, the allegations and proofs of the defendants made before them in that behalf at the circuit courts held by them reſpectively.

CHAP. XXXVI.

An ACT *relative to the Courts of Common Pleas and General Seſſions of the Peace in ſeveral of the Counties in this State.*

Paſſed 26th March, 1796.

BE *it enacted by the People of the State of of New-York, repreſented in Senate and Aſſembly*, That inſtead of the fourth Monday in September, in every year, one of the terms now preſcribed by law for holding the courts of common pleas and general ſeſſions of the peace in and for the county of Richmond, the ſaid courts ſhall hereafter be held on the ſecond Tueſday in September, in every year, and may be held until the Saturday next following incluſive, or may be ſooner adjourned to the next term if the ſame courts ſhall ſee fit.

And be it further enacted, That inſtead of the ſecond Tueſday in October, in every year, one of the terms now preſcribed by law for holding the courts of common pleas and general ſeſſions of the peace in and for the county of Orange, the ſaid courts ſhall hereafter be held on the firſt Tueſday in October in every year, and may be held until the Saturday next following incluſive, or may be ſooner adjourned to the next term, if the ſame courts ſhall ſee fit.

And be it further enacted, That inſtead of the ſecond Monday in November in every year, one of the terms now preſcribed by law for holding the courts of common pleas and general ſeſſions of the peace in and for the county of Columbia, the ſaid courts ſhall hereafter be held on the third Monday in November in every year, and may be held until the Saturday

next following inclusive, or may be sooner adjourned to the next term, if the same courts shall see fit.

And be it further enacted, That hereafter there shall be held in and for the counties of Montgomery and Schoharie respectively, only two courts of general sessions of the peace in any one year, which said courts of general sessions of the peace in the county of Montgomery shall be held on the second Tuesday of February and June in every year, and in the county of Schoharie on the last Tuesday in May and the first Tuesday in January in every year, and may be respectively held until the Saturdays next following inclusive, or may be sooner adjourned if the said courts shall see fit.

CHAP. XXXVII.

An ACT *Establishing the Rates of Ferriage across the East River, between the Counties of Queens and Westchester.*

Passed 26th March, 1796.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the persons who now are or hereafter may be authorized to keep the ferries established between Cow Neck, in Queens County and New Rochelle in Westchester County, instead of the ferriage now allowed by law, to ask, demand and receive at and after the rates following, to wit—For each man and horse six shillings, for a foot passenger, if one only, four shillings, if more than one then two shillings each, for a horse and chair with passengers eight shillings, for every head of neat cattle two shillings, for every sheep, calf or hog four pence, for a waggon with two horses and passengers twelve shillings, for a sled and two horses with passengers twelve shillings, for a sled and one horse with passengers eight shillings, and so in proportion for other things. And further, that it shall and may be lawful for the persons who now are or hereafter may be authorized to keep the ferries between the town of Rye in Westchester county, and the town of Oyster bay in Queens County, instead of the ferriage now allowed by law, to ask, demand and receive at and after the rates following, to wit: For each man and horse eight shillings, for a foot passenger, if one only, five shillings, if more than one, then two shillings and six pence each, for a waggon and two horses with passengers sixteen shillings, for a horse and chair with passengers ten shillings, for every head of neat cattle two shillings and six pence, for every sheep, calf or hog six pence, for a sled and two horses with passengers six-teen shillings, for a sled and one horse with passengers ten shillings, and so in proportion for other things.

CHAP. XXXVIII.

An ACT *to Prevent the Bringing in and Spreading of Infectious Diseases in this State.*

Passed 1st April, 1796.

a physician and ...n commission-... the Health Of-... to be appointed ...e city of New-...k.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That a person practising physic shall be appointed health officer for the city of New-York, and that seven persons shall be appointed

...mmissioners ...es of office

of the health office for the said city, and by which several the said persons shall be respectively known in the law.

What veſſels are to be ſubject to perform quarantine of courſe.

And be it further enacted, That all veſſels arriving in the port of New-York, from parts beyond the ſea, having on board forty paſſengers, all veſſels arriving in the ſaid port having on board a perſon ſick with a fever, all veſſels arriving in the ſaid port on board of which a perſon may during the time ſuch veſſels were at the foreign port from which they laſt ſailed, or during their paſſage from thence to the port of New-York, have died of a fever, and all veſſels arriving in the ſaid port from places where at the time of their departure, an infectious diſeaſe prevailed, ſhall be ſubject to quarantine of courſe. That it ſhall be lawful for the perſon adminiſtering the government of this State, from time to time, whenever and as he ſhall judge adviſable, to iſſue his proclamation declaring what other veſſels to be deſcribed as coming from the countries, iſlands, or ports therein to be mentioned, ſhall alſo be ſubject to quarantine. That it ſhall in like manner be lawful for him to iſſue his proclamation, aſſigning and limiting the places or ſpaces where all veſſels ſubject to quarantine ſhall, on their arrival within the ſaid port, be brought to anchor, and remain until they ſhall have been viſited and examined by the ſaid Health Officer, and by him reported to ſome one of the ſaid commiſſioners to be free from infection. That it ſhall in like manner be lawful for him to iſſue his proclamation, prohibiting or regulating the intercourſe by land or ferries between this State and ſuch places within any other of the United States where he ſhall be informed an infectious diſeaſe doth prevail. That all perſons offending in the premiſes ſhall be liable to be puniſhed as for a miſdemeanor, by fine and impriſonment, in the diſcretion of the Court having thereof cognizance; and moreover it ſhall be lawful for the ſaid commiſſioners to cauſe any veſſel ſubject to quarantine which before ſhe ſhall have been ſo viſited, examined, and reported as aforeſaid, ſhall be brought to anchor elſewhere within the ſaid port of New-York; and all veſſels, although not deſcribed in this act, or in ſuch proclamation as above mentioned, as veſſels ſubject to quarantine, having on board a perſon ſick with a diſeaſe which in the judgment of the Health Officer there ſhall be reaſon to apprehend is infectious, or having on board articles which may be apprehended to contain infection, to be removed to and brought to anchor within the ſaid places or ſpaces ſo to be aſſigned and limited, and to cauſe all perſons and articles which may have been landed to be arreſted and ſeized, and to be returned on board ſuch veſſel, or removed to the Lazaretto herein after mentioned; and it ſhall alſo be lawful for them to cauſe all perſons who ſhall come into this State contrary to the prohibition or regulations in ſuch proclamation as laſt mentioned to be arreſted, and it well, to be conveyed to the place out of the State from whence they laſt came, or if ſick, to be removed to the ſaid Lazaretto.

Governor may by proclamation define what other veſſels are to perform quarantine.

And to aſſign the places where they ſhall perform the ſame.

And by proclamation to prohibit or regulate the intercourſe by land or ferries.

Penalty inflicted on offenders againſt ſuch proclamation.

Commiſſioners may direct any veſſel whatever having on board a perſon ſick with a fever, which in the opinion of the Health Officer is infectious, or infectious articles, to be brought to anchor within the places aſſigned for performing quarantine.

And to cauſe all perſons or articles landed from ſuch veſſel to be returned on board, or ſent to the Lazaretto, and to ſend all perſons out of the State who have come in contrary to proclamation.

And be it further enacted, That the ſaid Health Officer ſhall without delay viſit and examine all veſſels ſubject to quarantine, and whenever he ſhall judge any ſuch veſſel to be free from infection, he ſhall ſo report her to ſome one

Health Officer to viſit all veſſels ſubject to quarantine, and to report their ſituation to the

commiſſioners, and to be allowed to a certain ſum for ſuch viſits.

the ſaid commiſſioners, and he ſhall be entitled to receive from the maſter of every veſſel ſo to be viſited by him, if coming from a foreign port, the ſum of three pounds, and if coming from a port within the United States, the ſum of thirty-two ſhillings, for his ſervices therein; and the commiſſioners ſhall cauſe him at all times when he ſhall require it to be furniſhed with a convenient boat, and with men ſufficient to row the ſame; and to that end, if they ſhall deem it moſt convenient, it ſhall be lawful for them to contract with any perſon for that purpoſe. And in order that the ſaid Health Officer may be enabled the better to perform the examination of veſſels ſubject to quarantine, it ſhall be lawful for him to put all ſuch queſtions to the perſons on board any ſuch veſſel as ſhall be needful and proper to that end, and the perſons to whom ſuch queſtions ſhall be put ſhall reſpectively truly anſwer the ſame on oath, and which oath he is hereby authorized to adminiſter accordingly; and every perſon ſwearing falſely in the premiſes ſhall be conſidered as liable to the pains and penalties for wilful and corrupt perjury.

Governor to cauſe a Lazaretto to be built, and the expenſe of the building not to exceed 2000l.

And be it further enacted, That it ſhall be lawful for the perſon adminiſtering the government of this State to cauſe a building ſuitable to ſerve for a Lazaretto, the expence whereof, excluſive of the monies to be expended for the purchaſe of Lands, if any ſhall be purchaſed, not to exceed the ſum of two thouſand pounds, to be erected on Nutten Iſland, or on other lands which may be deemed more eligible, and which other lands he is hereby authorized to purchaſe for the people of this State, for the reception of perſons and articles arriving in a veſſel ſubject to quarantine, and by the Health Officer, or the ſaid commiſſioners, ordered or permitted to be removed from on board ſuch veſſel, and for the reception of all perſons within the ſaid city ſick with an infectious diſeaſe, and who it may be neceſſary to have removed to ſuch Lazaretto.

Health Officer to be phyſician to the Lazaretto, & commiſſioners to appoint mates, nurſes, &c. and to provide neceſſaries.

And be it further enacted, That the ſaid Health Officer ſhall be phyſician to the ſaid Lazaretto, and the commiſſioners of the health office ſhall in other reſpects have the ſuperintendance thereof, and employ mates, nurſes and attendants, and provide bedding, cloathing, fuel, proviſions, medicines, and ſuch other matters as ſhall be requiſite therein; and it ſhall be lawful for them to make reaſonable and prudential needful rules and orders for the government and management thereof.

Perſons removed to the Lazaretto to be liable to pay for board.

And be it further enacted, That all perſons removed to the ſaid Lazaretto, ſhall be liable to pay a reaſonable ſum for their board, medicine and attendance therein, and if any of them deemed to have ſufficient means ſhall refuſe to pay ſuch ſum, the ſame ſhall be recovered from them by the ſaid commiſſioners by ſuit in their own name.

Health Office may order any cloathing or bedding to be deſtroyed.

And be it further enacted, That it ſhall be lawful for the ſaid Health Officer whenever he ſhall judge it neceſſary to prevent infection to cauſe any bedding and cloathing arriving in a veſſel ſubject to quarantine to be deſtroyed.

And be it further enacted, That the ſaid Health Officer ſhall for his ſervices as Phyſician to the ſaid Lazaretto, and the ſaid commiſſioners ſhall for their ſervices be entitled from time to time to ſuch annual ſum as the Legiſlature ſhall judge reaſonable.

Governor to iſſue warrants on the Treaſury for the monies appropriated by this act.

And be it further enacted, That it ſhall be lawful for the perſon adminiſtering the government to grant warrants on the treaſury in favor of the following perſons, that is to ſay—In favor of the perſon or perſons whom he ſhall employ as ſuperintendant or ſuperintendants to erect the ſaid Lazaretto, the requiſite ſums for that purpoſe not to exceed in the whole the ſaid ſum of two thouſand pounds abovementioned. In favor of the commiſſioners of the Health Office to be expended by them in the execution of their truſt by virtue of this act ſuch ſums as the ſaid perſon adminiſtering the government ſhall from time to time judge neceſſary not to exceed in the whole the ſum of one thouſand pounds in any one year, and in favor of the vendor of any lands which may be purchaſed whereon to erect the ſaid Lazaretto the amount of the conſideration money for ſuch lands.

All phyſicians in New-York, who may attend a patient in an infectious fever to make report thereof to commiſſioners.

And be it further enacted, That every perſon practiſing phyſick in the ſaid city who ſhall attend a patient ſick with a fever deemed by him to be infectious, ſhall forthwith make report in writing of the caſe of ſuch patient to ſome one of the commiſſioners of the health office, upon pain of forfeiting fifty dollars for every neglect, to be recovered with coſts of ſuit by action of debt in any court of record, in the name of the commiſſioners of the health office, and be applied when recovered to the relief of the poor in the ſaid Lazaretto.

Corporation of New-York authorized to make rules for cleaning ſtreets filling up lots, &c.

And be it further enacted, That it ſhall be lawful for the Mayor, Aldermen and Commonalty of the City of New-York in common council convened, from time to time as they ſhall judge adviſeable, to make bye-laws, ordinances, rules and orders for filling up or raiſing, or for reducing or levelling any lot or lots within the ſaid city, and for cleanſing and ſcouring the ſtreets, allies, paſſages, curtilages, yards, cellars, vaults, ſinks and other places within the ſaid city, and for regulating all manufactories of ſoap, candles, vellum, glue, leather or ſtarch, and all other manufactories, and all works, trades or buſineſſes cauſing noxious effluvia or vapor in reſpect to the manner in which and the places or ſpaces within the limits of the ſaid city where ſuch manufactories, works, trades or buſineſſes ſhall be carried on or uſed, and whereby to preſerve general health in the ſaid city, and for removing or deſtroying all offenſive or putrid articles or ſubſtances which may be ſtored or otherwiſe collected, and generally for preventing all other nuiſances within the ſaid city under ſuch penalties of fines and forfeitures as ſhall be reaſonable, and in the caſes wherein no fine or forfeiture ſhall be expreſſed, the perſons offending in ſuch caſes ſhall be puniſhable as for a miſdemeanor, by fine and impriſonment in the diſcretion of the court, and alſo to enjoin on and commit to the commiſſioners of the health office and every of them ſuch duties and authorities for the more effectual execution of every bye-law, ordinance, rule and order to be made in this behalf as ſhall be neceſſary. *Provided, nevertheleſs*, That no ſuch bye-law, ordinance, rule or order ſhall remain in force longer than for twelve months from the day of the making thereof, unleſs the ſame ſhall be allowed of or confirmed by the perſon adminiſtering the government of this ſtate.

And for regulating all manufactories which cauſe a noxious effluvia. And for deſtroying or removing all putrid articles.

Proviſo, no ſuch rules to be in force more than one year unleſs confirmed by the governor.

Reciting that the removal of such manufactories may be expensive to the proprietors.

And Whereas the removal of such manufactories, works, trades or businesses as are above intended from the places where the same are now used or carried on may be attended with expence to the proprietor thereof; to the end therefore, that reasonable compensation on that account may be made to such proprietor,

Such expence to be paid by the Corporation and how to be ascertained.

BE it further enacted, That whenever and as often as the mayor, aldermen and commonalty of the city of New-York shall order the removal in virtue of this act, of any of the before described manufactories, trades or businesses from the places in which at the time of passing this act the same shall be used or carried on, it shall and may be lawful for the said mayor, aldermen and commonalty of the said city of New-York to treat and agree with the respective owners or proprietors of such manufactories, trades or businesses, respecting the compensation to be paid for such expences, and if any such owners or proprietors shall refuse to treat and agree in manner aforesaid, then and in such case it shall and may be lawful to and for the said mayor and recorder and any two or more of the said aldermen, by virtue of this act, by a precept under their hands and seals to command the sheriff of the said city and county of New-York to impanel and return a jury of freeholders to appear before the mayor's court of the said city at any term not less than three weeks from the date of such precept, to enquire into and ascertain the reasonable compensation which under all the circumstances of the case should be made to such owners or proprietors for the expences of such removal as aforesaid, which said jury being first duly sworn faithfully and impartially to enquire into and ascertain such compensation, shall proceed to ascertain the same; and the sum found by their verdict shall be paid by the said mayor, aldermen and commonalty of the said city of New-York to the said owners or proprietors, and shall be deemed as part of the contingent expences of the said city.

If the owner of any lot shall refuse to fill up the same, Corporation may direct it to be done, and the expence thereof to be considered as a lien on the lot.

And be it further enacted, That in addition to the provisions aforesaid, if the owner or occupant of any lot shall refuse or neglect after convenient time to fill up, raise, reduce or level such lot in such manner as the same shall by any such bye-law, ordinance, rule or order be required to be filled up, raised, reduced or levelled, it shall then be lawful for the said mayor, aldermen and commonalty to cause such lot to be so filled up, raised and levelled, and the amount of the monies which they shall advance for that purpose, with lawful interest for the same, shall be deemed a lien on such lot, and shall be recoverable by them as for monies advanced for the use of the defendant by suit against the then or any future occupant or owner of such lot at their election.

And be it further enacted, That the act, entitled "An Act to prevent the bringing in and spreading of infectious distempers in this State," passed the 4th day of May, 1784, except the second section thereof, and the act to amend the said act, passed the 27th day of March, 1794, shall so far as respects the city and county of New-York, be repealed. *Provided*, That such repeal shall not be deemed to annul the appointment lately made of a physician to inspect vessels in pursuance of the said act first mentioned, but the said physician shall be and hereby is declared to be by force of such appointment the Health Officer intended in this act.

CHAP. XXXIX.

An ACT *ſupplementary to the Act entitled An Act for the better Support of Oneida, Onondaga and Cayuga Indians and for other purpoſes therein mentioned.* Paſſed 1ſt April, 1796.

Certain articles of agreement made between Philip Schuyler and others, agents for this State, and the Cayuga, Onondaga, Oneida Indians, now on record in the Secretary's Office, ratified and confirmed.

BE *it enacted by the people of the State of New York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame,* That all and every of the agreements, proviſions ond ſtipulations made between Philip Schuyler, John Cantine, David Brooks and John Richardſon, agents appointed on the part of the people of this ſtate by the act entitled "An act for the better ſupport of the Oneida, Onondaga and Cayuga Indians, and for other purpoſes therein mentioned," and the Cayuga and Onondaga tribes of Indians, and between the ſaid Philip Schuyler, John Cantine and David Brooks agents aforeſaid, and the Oneida tribe of Indians, as the ſame agreements, proviſions and ſtipulations are ſpecified and contained in certain articles of agreement duly executed and reſpectively bearing date the twenty ſeventh and twenty eighth days of July and the fifteenth day of September laſt paſt, and now of record in the office of the Secretary of this State ſhall be and hereby are ratified and confirmed to all the intents and purpoſes ſpecified in the ſaid ſeveral articles of agreement.

Treaſurer to pay annually on the governor's warrant certain annuities to the ſaid Indians.

And be it further enacted, That the treaſurer of this ſtate for the time being ſhall annually hereafter until further legiſlative proviſion ſhall be made in the premiſes, and on the warrants of the perſon adminiſtering the government of this ſtate for the time being, pay out of any monies in the treaſury unto ſuch perſon as ſhall be authorized by the ſaid warrants to receive the ſame the following ſums of money, to wit—The ſum of two thouſand three hundred dollars for the uſe of the Cayuga tribe of Indians. The further ſum of two thouſand dollars for the uſe of the Onondaga tribe of Indians; and the further ſum of three thouſand five hundred and fifty two dollars for the uſe of the Oneida tribe of Indians, being the annuities reſpectively to be paid to the ſaid ſeveral tribes of Indians in conformity to the ſtipulations made in the ſaid ſeveral articles of agreement, and alſo in lieu of the annuities to be paid to the ſaid tribes reſpectively in conformity to the ſtipulations contained in certain other and former articles of agreement made with them by commiſſioners on the part of the people of this ſtate; all which ſaid ſeveral ſums of money it ſhall be lawful for the perſon adminiſtering the government of this ſtate for the time being to direct to be paid to the ſaid tribes ſeverally in manner ſpecified by the ſeveral articles of agreement firſt above mentioned.

Agents to pay to the agents of the United States 50 dollars for a Cayuga chief called Fiſh Carrier.

And be it further enacted, That it ſhall and may be lawful to and for the agents appointed by the act aforeſaid to pay unto the agent of the United States for Indian affairs within this ſtate the ſum of fifty dollars, to be by him paid unto the Cayuga Chief called Fiſh Carrier or to the perſon who ſhall produce a certain certificate given to him by the ſaid agents taking duplicate receipts therefor, one of which ſhall be endorſed on the ſaid certificate, and the other filed in the office of the clerk of the county of Onondaga. And it ſhall be lawful for the ſaid agents to commute with the ſaid Fiſh Carrier or his legal repreſentative for ſuch annuity in extinguiſhment

of his claim to an annual rent ſtipulated to be paid to him, as they in their diſcretion ſhall deem meet and proper ſubject nevertheleſs to Legiſlative approbation.

And whereas ſeven perſons reſident on the lands heretofore reſerved to the uſe of the Cayuga tribe of Indians, and whoſe claims to the right of pre-emption, under the act aforeſaid, have been deemed valid by the ſaid agents, were found on a ſurvey made ſubſequent to the execution of the articles of agreement with the ſaid Indians to be ſituate on the land ſtill appropriated to their uſe, and it being proper that proviſion ſhould be made in the premiſes; Therefore,

Agents to aſſign to ſeven perſons, each one lot of 250 acres out of the land purchaſed from the Cayugas.

Be it further enacted, That it ſhall and may be lawful to and for the ſaid agents, to aſſign to each of the perſons ſo entitled to the right of pre-emption, one lot of land not exceeding in quantity two hundred and fifty acres of the lands ſo purchaſed as aforeſaid from the Cayuga tribe, and to certify the ſame to the Surveyor General, as entitled to the right of pre-emption on the terms ſpecified in the act aforeſaid.

And whereas it is neceſſary to provide that a ſufficient quantity of fuel ſhould be reſerved for the manufacture of ſalt, from the ſalt ſprings at the ſalt lake in the county of Onondaga; Therefore,

Surveyor General not to ſell certain lands near ſaid Salt Springs.

Be it further enacted, That the Surveyor General ſhall be and he is hereby inhibited from ſelling any part of the lands purchaſed from the Onondaga tribe of Indians which lay to the north of the lots numbered from number ſeventy one to ſeventy nine both incluſive, and to the eaſt of the lots numbered number ſeven, twenty-four, thirty-eight, and fifty-two, any thing in the act aforeſaid to the contrary hereof notwithſtanding.

Benjamin Hopkins has made improvements on certain common lands.

And whereas Benjamin Hopkins has made improvements partly on one of the lots inhibited from ſale as aforeſaid, and partly on lands heretofore held in common with the Onondaga Indians, and his claim of pre-emption to the former having been allowed as valid by the ſaid agents; Therefore,

Be it further enacted, That the proviſion made in favour of the ſeven perſons before alluded to in the fourth ſection of this act, ſhall be, and hereby is extended to the ſaid Benjamin Hopkins.

Agents to quit claim to the Oneida Indians a certain tract of land, which land they ſhall never ſell without permiſſion from the Legiſlature.

And be it further enacted, That it ſhall and may be lawful to and for the ſaid agents to quit claim on the part of the people of this State to the Oneida tribe of Indians, all the lands, tenements, and hereditaments ſituate or lying between the Chittenengo and Cannoſſeraga creeks, as far ſouth as to meet an eaſterly line from the Deep Spring to the eaſtermoſt of the ſaid creeks, to be drawn by the ſhorteſt diſtance between the ſaid ſpring and the ſaid eaſtermoſt creek, and as far north as the junction of the ſaid two creeks, and upon the conditions mentioned in the articles of agreement with the ſaid tribe of Indians, which quit claim ſhall contain a ſtipulation that the tract ſo ceded to the ſaid Indians ſhall be to their uſe only, and ſhall not be ſold or leaſed without the expreſs permiſſion of the Legiſlature.

Reciting that ſeveral locations have been made on ſaid land ſo to be quit claimed, and that

And whereas ſeveral locations have been laid in part covering the lands ſo to be quit claimed as ſpecified in the preceding ſection of this act, and which locations have been certified to the commiſſioners of the land-office, as be-

the perſons locating them are willing to take other lands in lieu thereof.

ing made in conformity to law, but no grants having paſſed the great ſeal of this State for the ſame, and the perſons having locations, and their legal repreſentatives being willing to take other lands for the ſame; *And wherers alſo*, Baſs Chard, Samuel Hatch, and others their aſſociates, or the legal repreſentatives of thoſe ſeveral perſons, are in conformity to laws of this State entitled to certain grants of land, and have located the ſame, partly on the lands ceded to the Oneida tribe of Indians, by virtue of the contingent agreement made between the ſaid Indians and the Agents, and ratified by this act, and partly on lands lying between the Chittenengo branch of the Cannoſſeraga creek, and the eaſt bounds of the towns laid out on the military tract, and the ſaid perſons, or their legal repreſentatives, being alſo willing to accept of other lands in lieu thereof; Therefore,

Agents to aſſign to ſaid locators certain other lands, and to certify the ſame to the commiſſioners of the Land-Office, who ſhall grant letters patent for the ſame.

Be it further enacted, That it ſhall and may be in the option of the perſons having made ſuch locations in either of the caſes aforeſaid, either to withdraw the whole, or ſuch part thereof as lays within the tract deſcribed in the next preceding ſection. And in either caſe, it ſhall and may be lawful to and for the ſaid Agents to aſſign an equal number of acres out of the tract by them purchaſed from the ſaid tribe of Indians on the ſouth ſide of Wood Creek, and to certify the ſame to the commiſſioners of the Land-Office, who ſhall thereupon cauſe letters patent to be iſſued for the ſaid land, thereby granting the ſame to the perſon or perſons now entitled as aforeſaid to the ſaid land, and to his or her heirs and aſſigns forever. *Provided always*, That ſuch tract, ſo to be aſſigned, ſhall be laid out in a ſquare, or as nearly ſo as local circumſtances will permit.

Reciting, that P. Smith has ſtipulated with the Oneidas to pay them a certain annual rent for lands ceded to him, and that he is willing to extinguiſh ſuch rent by an equivalent in one payment.

And whereas Peter Smith had ſtipulated with the Oneida tribe of Indians to pay them an annual rent of two hundred and fifty dollars for the lands leaſed to him, and of which the pre emption has by the act aforeſaid been given to him, and ſuch of his ſub-leſſees as were ſettled thereon before the firſt day of January one thouſand ſeven hundred and ninety five, and the ſaid Peter Smith being willing to extinguiſh ſuch rent by an equivalent ſum in one preſent payment: Therefore,

Surveyor General directed to extinguiſh the ſame, and the manner pointed out.

Be it further enacted, That it ſhall and may be lawful to and for the Surveyor General to debit the ſaid Peter Smith with the ſum of three thouſand two hundred and ſixty ſeven dollars, being the preſent value of a rent of two hundred and fifty dollars, to continue for eighteen years, computed on a ſimple intereſt of ſix per cent. per annum, and to add it to the ſum which ſhall ariſe and become due to the People of this State from the ſaid Peter Smith, for the reverſion of the lands to be granted to him in conformity with the ſtipulations and proviſions in the ſaid act contained, and to take a mortgage from the ſaid Peter Smith on the lands, the reverſion whereof is to be granted to him as aforeſaid, and on the terms and conditions ſpecified in the ſaid act.

Reciting that the leſſees under P. Smith complain, that their right of pre-emption is leſs

And whereas certain of the leſſees, under the ſaid Peter Smith have repreſented to the Legiſlature, that as leſſees having ſtipulated the payment of rent to him, the right of pre-emption granted to them by the ſaid act is leſs favour-

Favourable to them than that of others.

able to them than to others not ſettled on the tract leaſed to the ſaid Peter Smith, and have prayed legiſlative proviſion in their favour; Therefore,

Agents directed to remedy their complaints.

Be it further enacted, That it ſhall and may be lawful to and for the ſaid agents to remit to ſuch of the ſaid leſſees, or their legal repreſentatives, who had, on or before the firſt day of January, one thouſand ſeven hundred and ninety five, obtained leaſes from or contracted for leaſes with the ſaid Peter Smith, the ſaid ſum of three thouſand two hundred and ſixty-ſeven dollars, and to apportion the ſame between ſuch leſſees according to the number of acres mentioned in their reſpective leaſes or contracts, and to certify the ſum to be remitted to each, to the Surveyor General, to the intent that he may be enabled to credit them reſpectively therefor, and to take mortgages for the balances in manner and on the terms and conditions ſtipulated in the ſaid act.

Surveyor General to run certain lines, and the land between ſaid lines to remain for the uſe of a highway.

And be it further enacted, That the Surveyor General ſhall cauſe a line to be run from a point ſix rods diſtant on a ſouth courſe from the north eaſt corner of the late Oneida reſervation, through a point ſix rods diſtant on a ſouth courſe from the moſt ſoutherly inclination of Wood Creek, and extended to the Oneida Lake; and the lands between ſuch line and Wood Creek ſhall forever hereafter remain and be for the uſe of a public highway for the people of this State.

Surveyor General directed to exchange certain lands with individuals who are proprietors of other land, which land to be exchanged are to remain for the uſe of a highway.

And be it further enacted, That it ſhall and may be lawful for the Surveyor General to exchange the three tracts on the north ſide of the Oneida Lake, formerly appropriated to the uſe of the Oneida tribe, containing together four hundred and eighty acres, with the proprietors of the land on the north ſide of Wood Creek, and on the ſouth ſide of the ſaid creek, from the north eaſt corner of the late Oneida reſervation to the landing at Fort Schuyler, for ſo much of their land along the ſaid creek as will be included by one or more lines drawn at ſix rods therefrom, and upon ſuch exchange to give and receive proper deeds therefor in the name of the People of this State, and the lands ſo to be obtained ſhall be and hereby are appropriated and declared to be for the uſe of a public highway for the people of this State.

Reciting that Abraham Van Eps and Abraham V. Wimple have been ſerviceable to the Indians, who inſiſt on their being recompenſed by a grant of land.

And whereas Abraham Van Eps has been very inſtrumental in forwarding the negociations between the agents aforeſaid and the Oneida tribe of Indians, and has made them conſiderable pecuniary advances of which there is little proſpect that he will be reimburſed. *And whereas* Abraham Wimple, whilſt the ſaid Indians were refugees at Schenectady during the late war afforded them important aid in articles of ſubſiſtance, and the ſaid Indians having ſtrenuouſly inſiſted with the ſaid agents that they ſhould in good faith recommend to the Legiſlature certain compenſation to the ſaid perſons by a grant of part of the land ceded by the ſaid Indians to the people of this State; Therefore,

Agents to ſet apart two tracts, one for ſaid Van Eps, and the other for ſaid Wimple.

Be it further enacted, That it ſhall and may be lawful to and for the ſaid agents to ſet apart the following tracts of land, to wit, a tract of two ſquare miles, to be granted unto Abraham Van Eps; one other tract of one mile ſquare, to be granted unto Abraham Wimple; both of which tracts ſhall be part of the land purchaſed from the Oneida tribe of Indians in the year one thouſand ſeven hundred and ninety-five.

Agents to ſet apart a certain other tract for John Sargeant a miniſter of the goſpel, and the Land Office to grant the ſame.

And be it further enacted, That it ſhall be lawful for the ſaid agents and they are hereby required to lay out a tract of one mile ſquare adjoining the land called Stockbridge for John Sargeant, miniſter of the goſpel, who now reſides among the Indians at Stockbridge aforeſaid, and to certify the ſame to the commiſſioners of the Land Office, who ſhall thereupon cauſe letters patent to be iſſued for the ſaid tract of one mile ſquare ſo laid out, thereby granting the ſame to the ſaid John Sargeant and to his heirs and aſſigns forever.

And whereas the Cayuga tribe of Indians inſiſted that a grant ſhould be ſtipulated of one mile ſquare in favour of Iſrael Chapin, and the agents not being authorized to conſent to ſuch ſtipulation did promiſe faithfully to repreſent their requeſt to the Legiſlature. And that the Legiſlative will in the premiſes might be declared; Therefore,

Agents to ſet apart a tract for Iſrael Chapin & the Land Office to grant the ſame.

BE it further enacted, That the ſaid agents ſhall ſet apart one other tract of one mile ſquare, part of the lands purchaſed from the Cayuga tribe of Indians in the ſaid year one thouſand ſeven hundred and ninety five for Iſrael Chapin, and ſhall certify the ſame to the commiſſioners of the Land Office, who ſhall thereupon cauſe letters patent to be iſſued for the ſaid tract of one mile ſquare ſo laid out, thereby granting the ſame to the ſaid Iſrael Chapin and to his heirs and aſſigns forever.

Agents to give Jedediah Phelps the pre-emption of 250 acres.

And be it further enacted, That it ſhall be lawful for the ſaid agents to ſet apart one lot of land not exceeding two hundred and fifty acres, part of the tract lately purchaſed from the Oneida tribe of Indians on the ſouth ſide of Wood Creek, and to certify to the Surveyor General that the pre-emption of ſuch lot is given to Jedediah Phelps on the terms and conditions ſpecified in the act aforeſaid with reſpect to other perſons to whom the right of pre-emption is given by the ſaid act.

And whereas it is doubtful whether the Surveyor General is by the act aforeſaid authorized to liquidate the mean rate which perſons entitled to the right of pre-emption are to pay for the lands intended for them until all the other lots in the ſeveral tracts are ſold; For remedy whereof,

Surveyor General directed how to liquidate the mean rate which perſons entitled to the right of pre-emption are to pay for their lands.

Be it further enacted, That when the Surveyor General ſhall have ſold the lots in the lands purchaſed from the Oneida tribe of Indians which are to the ſouthward of the Great Geneſee Road, he ſhall liquidate the mean price thereof, and ſuch mean price ſo liquidated ſhall be paid by the perſons whoſe right of pre-emption ſhall be certified unto him by the ſaid agents as reſident on the tract ſo purchaſed as aforeſaid from the ſaid tribe; and when he ſhall have ſold the lots in the lands purchaſed from the Onondaga tribe of Indians which are marked on the map thereof from one hundred and ſixty four to two hundred and twenty one both incluſive he ſhall liquidate the mean price thereof and ſuch mean price ſo liquidated ſhall be paid by the perſons whoſe right of pre-emption ſhall be certified unto him by the ſaid agents as reſident on the tract ſo purchaſed as aforeſaid from the ſaid tribe; and when he ſhall have ſold the lots in the lands purchaſed from the Cayuga tribe of Indians which are to the ſouthward of the ſaid Great Geneſee Road, he ſhall liquidate the mean price thereof, and ſuch mean price ſo liquidated ſhall be paid by the perſons whoſe right of pre-emption ſhall be certified unto him by the ſaid agents as reſident on the tract ſo purchaſed as aforeſaid from the ſaid tribe.

Surveyor general, part of the monies to arise from the sale of lands, to pay to the Treasurer of Herkemer county 500l. to be expended in improving a certain road, and to the Treasurer of Onondaga 500l. for improving a certain other road: and said roads how and by whom to be improved.

And be it further enacted, That the Surveyor General shall, out of the first monies which shall come into his hands from the sale of any of the lands aforesaid, pay unto the Treasurer of Herkemer county, or to his order, the sum of five hundred pounds; and to the Treasurer of the county of Onondaga, or to his order, the sum of five hundred pounds, to be laid out in manner following, to wit: the supervisors of the county of Herkemer shall appoint a discreet person as agent, under whose direction the said sum of five hundred pounds shall be laid out in amending the highway commonly called the Great Genesee Road, and the bridges thereon, from the eastern boundary of the tract commonly called the Oneida reservation, to the western boundary thereof, and for no other purpose whatsoever; and the supervisors of the county of Onondaga shall appoint a discreet person as agent, under whose direction the one moiety of the five hundred pounds hereby directed to be paid to the Treasurer of the said county shall be laid out in repairing the said Genesee highway and the bridges thereon from where the said highway enters the tract commonly called the Onondaga reservation on the east, to where it leaves it on the west, and to no other purpose whatsoever; and shall also appoint one other discreet person as agent, to lay out the remaining moiety of the said five hundred pounds on the said Genesee road, and the bridges thereon, from where it enters the tract commonly called the Cayuga reservation on the east, to where it leaves it on the west, and to no other purpose whatsoever; and it shall be the duty of each of the said agents, so to be appointed, to keep a regular and particular account of the monies expended by him, and to exhibit such account under oath to the respective boards of supervisors by whom they may be appointed. And it shall be the duty of the said several boards of supervisors, after having examined such accounts, to depute at least three members of their respective boards personally to examine the repairs which have been made, and to report whether in their opinion the money with which the agent appointed by such board has been properly and fairly expended or not, under their oath of office, copies of which accounts and reports shall be transmitted to the Legislature without delay, certified by the clerk of the respective boards of supervisors.

Treasurer to pay the agents two thousand five hundred pounds, to be applied to the payment of Indian annuities, making surveys, &c.

And be it further enacted, That it shall and may be lawful for the Treasurer of this State to pay unto the said agents, or to their order, the sum of two thousand five hundred pounds, to be by them laid out in paying the fifty dollars to the Cayuga Chief Fish Carrier, the annuity which on survey of the tracts contingently purchased by them from the Oneida tribe of Indians, shall be found due and payable to them; to pay for one hundred bushels of salt, stipulated to be paid to the Onondaga Indians; to defray the expences of the surveys still to be performed, and such incidental expences as may from time to time arise in the execution of the trust reposed in the said agents by the act aforesaid, and by this act, and to keep and render true accounts of all their disbursements to the Auditor of this State.

A majority of the said agents empowered to act.

And be it further enacted, That all and every duty by this act enjoined on the said agents may be executed by a majority of them, or a majority of the survivors of them.

And be it further enacted, That ſo much of the ſeventh ſection of the act entitled, "An act for the ſupport of government," paſſed the eleventh day of April, 1792, as directs the payment of ſix hundred and forty pounds annually to the Oneida, Onondaga, and Cayuga tribes of Indians, ſhall be and is hereby repealed.

CHAP. XL.

An ACT *to improve the Navigation of Hudſon's River in the Places therein mentioned.*

Paſſed 1ſt April, 1796.

WHEREAS ſundry inhabitants of the villages of Troy, Lanſingburgh and Waterford have by their petitions repreſented that an improvement of the Navigation of the river Hudſon, above the city of Albany, unto the place where the Inland Lock Navigation is propoſed to begin would be of public utility and have prayed Legiſlative aid in the premiſes; Therefore,

Directors of the Northern Lock Navigation Company to employ an engineer to examine the Hudſon river above Albany.

Be it enacted by the People of the State of New York, repreſented in Senate and Aſſembly, That the directors of the Northern Inland Lock Navigation Company in this State be and they are hereby authorized to employ an able engineer to examine the ſaid river from the mouth of a creek north of the village of Troy, commonly called the Meadow Creek, to the city of Albany, and if ſuch engineer ſhall report to the ſaid directors that it is probable if one or more wing dams and other devices were erected in the ſaid river the channel thereof would be ſo deepened as to render it adequate for the navigation of veſſels drawing ſix feet of water when loaded, and in ſuch parts of the navigating ſeaſon when the water in the ſaid river is in its loweſt ſtate, and that the expenſe will not exceed four thouſand pounds, then and as ſoon as there ſhall be raiſed by voluntary contribution the ſum of one thouſand pounds and the ſame be paid unto Moſes Vail, Thomas L. Witbeek, and Albert Paulding, as commiſſioners to procure the neceſſary ſupplies for proſecuting the contemplated improvements, they the ſaid directors ſhall certify the ſame to the Treaſurer of this State, who ſhall thereupon pay unto the ſaid commiſſioners or to their order the ſum of three thouſand pounds, out of any monies in the Treaſury unappropriated, and it ſhall be lawful to and for the ſaid commiſſioners to cauſe the requiſite works for the improvement of the ſaid river between the places above mentioned to be conſtructed under the direction of ſuch engineer as aforeſaid.

And if he ſhall report that the ſame can be improved for a certain given ſum as ſoon as a certain proportion of that ſum is raiſed by a voluntary contribution, the directors to certify the ſame to the Treaſurer, who is hereby authorized to pay the reſidue.

And be it further enacted, That the directors aforeſaid ſhall cauſe ſuch engineer as aforeſaid to examine the ſaid river from the ſaid Meadow Creek to a creek or brook called Mill Creek being the creek or brook on which the mills uſually called Renſelaer's mills ſtood, and where the Northern Inland Lock Navigation Company are by law directed to begin their operations, and if ſuch engineer ſhall report to the ſaid directors that the navigation of ſo much of the ſaid river laſt deſcribed may be beneficially improved by means of wing dams and other devices, and at an expence not exceeding two thouſand pounds,

Said engineer to examine another part of ſaid river.

And if he shall report that the same can be improved for a certain given sum the directors to certify the same to the Treasurer, who is hereby authorized to pay the residue.

then and as soon as there shall be raised by voluntary contribution the sum of five hundred pounds, and the same be paid unto Jacobus Van Schoonhoven, Charles Seldon and George Tibbits, as commissioners to procure the necessary supplies for prosecuting the improvements last mentioned, they the said directors shall certify the same to the Treasurer of this State, who shall thereupon pay unto the said commissioners, or to their order, the sum of fifteen hundred pounds out of any monies in the Treasury unappropriated, and it shall be lawful for the said commissioners to cause the requisite works for the improvement of the said river between the places last above mentioned to be constructed under the direction of such engineer as aforesaid. An account of the expenditures of all which monies the said commissioners first and last mentioned shall render to the auditor of this State, as soon as may be after the several works shall have been compleated.

Commissioners authorized to collect the sums by voluntary contribution, and when collected to certify the same to said directors.

And be it further enacted, That the said commissioners first above mentioned are hereby authorized to collect such sum and sums of money as they shall be able to obtain by voluntary contribution for the first of the purposes above mentioned, and having collected the money to certify the same to the said directors, and the said commissioners last mentioned are in like manner authorized to collect such sum and sums of money as they shall be able to obtain for the second of the purposes above mentioned, and in like manner to certify the same to the said directors under their respective hands and seals. *Provided always*,

If it shall appear from the engineer's report, that the said improvements can be done for the sum of certain pounds, less than the expence can be obtained by voluntary contribution, it shall be lawful for the commissioners to certify the sum before directed to be paid them.

And be it further enacted, That in case it should appear from the report of the engineer that the expense of the improvements between the places respectively above mentioned will exceed the several sums above stated, then if such excess shall be raised by voluntary contribution, in manner aforesaid, and be so certified unto the said directors, or if an equivalent to such excess in labour or materials shall to the satisfaction of the said Directors be secured to be performed and delivered for the requisite works, they shall certify the same to the Treasurer in manner aforesaid, and the commissioners having so certified, shall thereupon be entitled to receive the money herein before mentioned, to be paid to them out of the treasury, any thing in this act to the contrary notwithstanding.

CHAP. XLI.

An ACT *more effectually to regulate the Port of New-York.*

Passed 1st April, 1796.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the person administering the government of this State be and he is hereby required and directed, by and with the advice and consent of the Council of Appointment to appoint some proper person to be harbour master of the port of New-York, and the said harbour master, before he enters upon the duties of his office, shall execute a bond to the people of this State, with two sufficient sureties to be approved of by the mayor of the city of New-York, in the penal sum of one thousand pounds, conditioned for the faithful and impartial fulfilment of the duties required of him by this act, and shall also take an oath truly and faithfully to execute the same.

Harbour maſter to regulate the ſtation of all veſſels in the rivers, and at the wharves.

And be it further enacted, That the ſaid harbour maſter ſhall have authority to regulate and ſtation all ſhips and veſſels in the ſtream of the Eaſt and North rivers within the limits of the city of New-York, and at the wharves thereof, and to remove from time to time ſuch ſhips or veſſels as are not employed in receiving or diſcharging their cargoes, to make room for ſuch others as require to be more immediately accommodated for the purpoſe of receiving or diſcharging theirs, of which the ſaid harbour maſter is hereby conſtituted the ſole judge. And further, the ſaid harbour maſter ſhall have authority to determine how far, and in what circumſtances, it is the duty of the maſters and others having charge of ſhips and veſſels to accommodate each other in their reſpective ſituations; and if any maſter or other perſon having charge of any ſhip or veſſel, ſhall refuſe or neglect to obey the directions of the ſaid harbour maſter, in matters within his authority to direct, or if any perſon ſhall reſiſt or oppoſe ſaid harbour maſter in the duties of his office, ſuch maſter or other perſon having charge of any ſhip or veſſel, or other perſon whatſoever, ſhall for each and every ſuch offence forfeit and pay the ſum of fifty dollars, to be recovered with coſts of ſuit in the name of the harbour maſter for the time being, before any court having cognizance thereof: All which fines ſhall when collected be paid to the Treaſurer of the Society of the Hoſpital in the city of New York for the time being, to and for the uſe of the ſaid Corporation.

Harbour maſter to determine when the maſters of veſſels ſhall accommodate each other by removal, &c. and if they refuſe ſo to remove, a penalty to be inflicted.

Harbour maſter to ſuperintend the execution of all laws for cleanſing the docks, &c.

And be it further enacted, That it ſhall be the duty of the ſaid harbour maſter to ſuperintend and enforce the execution of all laws of this State, and all bye-laws and rules and regulations of the corporation of the city of New-York, for cleanſing the docks and wharves, and for preventing and removing all nuiſances whatſoever in or upon them or either of them.

Pilots to regiſter their names and their veſſels with the harbour maſter.

And be it further enacted, That it ſhall be the duty of all perſons acting as pilots in the port of New-York, to regiſter their and each of their names and places of abode in the office of the harbour maſter, and the name, ſize, and dimenſions of each and every pilot boat uſed by them or either of them.

Pilots alſo to report the time of their going out and returning into port, &c. and what veſſels they have ſeen.

And be it further enacted, That it ſhall be the duty of every maſter or perſon having charge of any pilot boat to report to the harbour maſter the time of his going out and returning into the harbour with the ſaid boat, and each pilot ſhall report all ſhips and veſſels inward or outward bound ſeen by him at ſea, or at anchor within or without Sandy Hook to the end, that due notice thereof may be given to the commander in chief and to the officer of cuſtoms when neceſſary.

Harbour maſter authorized to order any pilot boat to go out whenever he may deem it neceſſary, and a penalty inflicted for diſobedience.

And be it further enacted, That the ſaid harbour maſter ſhall have power to order any pilot, having charge of a pilot boat, to go out upon duty with the ſaid boat whenever in his judgment the ſafety of the navigation of the ſaid port renders the going out of ſuch boat neceſſary. And every pilot refuſing or neglecting to perform any of the duties impoſed upon him by this act, ſhall, on proof thereof, made to the wardens of the ſaid port, be ſubject to a fine not exceeding the ſum of five dollars, to be recovered with coſts of ſuit

before the Mayor or Recorder, or any two of the Aldermen of the said city of New-York in the name of the said harbour master, or to be rendered incapable of acting as a pilot thereafter, as in the judgment of the said wardens may be deemed proper.

Harbour master may appoint deputies; and the allowance he is entitled to receive from masters of vessels.

And be it further enacted, That the said harbour master shall have power to appoint a deputy or deputies to assist him in the execution of the duties of his office, and the same to remove or displace, and to appoint others in his or their stead; and further, that the said harbour master shall have power to demand and receive from the commander, owner or owners, consignee or consignees, or either of them, of each and every ship or vessel that may enter the port of New-York, and load, unload, or make fast to any wharf therein, at and after the rate of one cent. per ton, to be computed from the tonnage expressed in the registers of such ships and vessels respectively, and no more.

Nothing however to be demanded from coasting vessels except in particular cases.

Provided nevertheless, That nothing whatsoever shall be demanded by the said harbour master for the entrance into the port of New-York of any vessel employed in the coasting trade within the United States, unless upon the application of the master or person having charge of any vessel employed in the coasting trade as aforesaid the said harbour master shall interfere and adjust any difference which may happen respecting the situation or position of any such coasting vessel or vessels; which differences said harbour master is hereby authorized to hear and determine, in which case the said harbour master may demand and recover in manner aforesaid from the party in default in the premises the sum of one dollar for every difference so by him adjusted, and no more.

And be it further enacted, That this act shall be in force and effect from and after the first day of may next.

CHAP. XLII.

An ACT *for encreasing the Compensation to the Measurers of Grain and the Inspectors of Flour and Meal in this State.*

Passed 1st April, 1796.

BE *it enacted by the People of the State of New York, represented in Senate and Assembly*, That from and after the passing of this act it shall be lawful for the several measurers of grain appointed or to be appointed within this State, to ask, demand and receive, for measuring flax seed, salt, wheat, rye, corn, buckwheat, or any other articles commonly sold by the bushel, instead of the present allowance, at and after the rate of seventy five cents per hundred bushels, and no more, any law to the contrary thereof notwithstanding.

And be it further enacted, That it shall and may be lawful to and for the several inspectors of flour and meal, instead of the present allowance, to ask, demand and receive, the sum of two cents for inspecting every barrel of flour or meal.

And be it further enacted, That this act shall continue in force until the first day of April, which will be in the year of our Lord one thousand seven hundred and ninety seven, and no longer.

CHAP. XLIII.

An ACT *to incorporate such Persons as may associate for the Purpose of procuring and erecting public Libraries in this State.*

Passed 1st April, 1796.

WHEREAS a disposition for improvement in useful knowledge has manifested itself in various parts of this State, by associating for procuring and erecting social and public libraries: And whereas it is of the utmost importance to the public, that the sources of information should be multiplied, and institutions for that purpose encouraged and promoted:

Where twenty or more persons in any town or village shall subscribe forty pounds or more for procuring a library, they are authorized to elect trustees for their corporation.

Be it therefore enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act it shall and may be lawful for any number of persons, not less than twenty in any county, town, village, or neighbourhood, and who shall subscribe in the whole not less than forty pounds, who shall by writing under their hands signify their consent and desire to associate themselves together for the purpose of procuring and erecting a public library to assemble on the second Tuesday of the month in which they shall determine to meet at a place previously agreed on by a majority of the subscribers, to elect, nominate, and appoint not less than five, nor more than twelve of their number, as trustees, to take charge of the monies belonging to the corporation thereby erected, and to transact all affairs relative to the same.

And be it further enacted, That the said election, to be held as aforesaid, shall be conducted in the following manner, to wit: That whenever two thirds of the subscribers shall assemble at the time and place previously agreed on and appointed, they shall proceed to elect a chairman by ballot from among themselves, who shall preside at such election, receive the votes of the subscribers, and be the officer to return the names of those who by plurality of voices shall be elected to serve as trustees for the said corporation; that the said returning officer shall, immediately after said election, certify under his hand and seal the names of the persons elected to serve as trustees for said library, in which certificate the stile, name or title of the said corporation (which shall forever thereafter be the stile, name or title by which the said corporation shall be distinguished and known) shall be particularly mentioned and described, which said certificate being first duly proved or acknowledged before the Chancellor of this State or one of the judges of the supreme court, or any one of the judges of the court of common pleas of the county for the time being in the same manner in which deeds or other writings have usually been proved or acknowledged, shall be forthwith recorded by the clerk of the county for the time being in a book to be by him kept for that purpose for which he shall receive a fee of eight shillings and no more.

Chairman when trustees are elected to certify their names and the stile of the Corporation.

Which certificate shall be proved before a judge and recorded in the office of the county clerk.

And be it further enacted, That the persons so elected, returned and registered, shall be and hereby are declared to be trustees for said library, and that the said trustees from the time of their election as aforesaid, and their associates, and such other persons as shall from time to time become members of the corporation hereby authorized to be erected shall be and hereby

Said trustees so elected and registered and their associates declared to be a body corporate.

are ordained, conſtituted appointed and declared to be one body corporate and politic in fact and in name by the name, ſtile, or title mentioned and deſcribed in the ſaid certificate ſo to be recorded as aforeſaid, and by that name ſhall have ſucceſſion, and they and there ſucceſſors ſhall and may forever hereafter by the ſame name be able and capable in law to ſue and be ſued, implead and be impleaded, anſwer and be anſwered unto, defend and be defended in all courts of common law or equity whatſoever, in all manner of actions, ſuits, cauſes, controverſies matters and things whatſoever, and that they and their ſucceſſors ſhall have a common ſeal and may break, alter and change the ſame at their diſcretion; and alſo, that the ſaid truſtees and their ſucceſſors by the ſame name and title deſcribed in ſaid certificate from the time of their election aforeſaid ſhall be capable in law of purchaſing, holding and conveying any eſtate real or perſonal for the uſe of the ſaid corporation. *Provided*, ſuch real and perſonal eſtate ſo held ſhall not at any one time exceed the annual value of five hundred dollars excluſive of the books and of the annual payments which ſhall be directed to be made by the members of the ſaid corporation. And for the better execution of the aforementioned purpoſes,

The number of the truſtees declared who are to hold their offices for one year.

Be it further enacted That forever hereafter there ſhall not be leſs than five or more than twelve truſtees for every library ſo incorporated as aforeſaid who ſhall hold their offices for one year, and until others be elected in their places, and ſhall manage the buſineſs of the ſaid corporation, and that there ſhall forever hereafter be one chairman of the ſaid truſtees, one treaſurer and one librarian, to be appointed in the manner hereinafter mentioned: and that it ſhall be lawful for the ſaid truſtees in their diſcretion whenever they conceive it neceſſary to appoint one and the ſame perſon treaſurer and librarian. And in order to keep up a perpetual ſucceſſion of truſtees,

Offices of truſtees when to determine and new truſtees how to be elected.

Be it further enacted, That the offices of the ſaid firſt truſtees ſhall determine in the following year on the ſecond Tueſday in the ſame month in which they were choſen, and that on the firſt Tueſday in the ſame month in which the firſt election was held in every year forever thereafter, there ſhall be a general meeting of the members of the corporation at ſome convenient place to be from time to time aſcertained and fixed by the bye laws of the ſaid corporation, and that then and there by plurality of votes of ſuch members as ſhall ſo meet not leſs than five nor more than twelve truſtees ſhall be elected by ballot to ſerve the enſuing year. That any perſon holding more than one right in ſaid library ſhall be entitled to one vote for each right he or ſhe ſhall hold in the ſame. That the truſtees of the ſaid library ſhall annually at their firſt meeting on or after the day in which their offices commence, appoint one of the ſaid truſtees their chairman. That in caſe of the death, removal, refuſal or neglect to ſerve of the chairman for the time being it ſhall be lawful for the truſtees of the ſaid library at any of their meetings to appoint another chairman inſtead of the one dying, removing, refuſing or neglecting to ſerve as aforeſaid to remain in office till the expiration of the time during which his predeceſſor was entitled to ſerve, and when and as often as any vacancy ſhall happen by the death, removal, reſignation or neglect to ſerve of any of the ſaid truſtees it ſhall be lawful for the chairman of the ſaid truſtees or on his

Every ſhare above one in ſaid library to give a vote, and the vacancy of a chairman or truſtee how to be filled.

Duties of the chairman and truſtees.

neglect or refuſal for any other two of the ſaid truſtees to ſummon a meeting of the members of the ſaid corporation at a place fixed by the bye laws of ſaid corporation for the purpoſe of electing another or other perſon or perſons inſtead of ſuch as ſhall have ſo died, removed, refuſed or neglected to ſerve as aforeſaid, and that ſuch perſon or perſons ſo to be choſen truſtee or truſtees at ſuch meeting as laſt aforeſaid ſhall reſpectively remain in office during ſuch time as the perſon in whoſe ſtead ſuch truſtee ſhall be choſen would have done in caſe ſuch death, or removal, refuſal had not happened and no longer; and that the truſtees of ſaid library ſhall at every ſuch annual meeting of the members of the ſaid corporation exhibit to the members a ſtate of the ſaid library the minutes of the proceedings of the truſtees during the year immediately preceding ſuch meeting with the treaſurer's and librarian's accounts ſtating the amount of receipts and expenditures during ſuch year.

Truſtees annually to exhibit a ſtate of the library.

And be it further enacted, That the ſaid truſtees ſhall have ſtated meetings once in every quarter in every year, at ſuch time and place as ſhall from time to time be appointed at that purpoſe, that the chairman, or any two truſtees of the ſaid Library for the time being ſhall and may from time to time, as occaſion may require, ſummon and call together at ſuch place as ſhall from time to time be appointed by the bye-laws of the ſaid Corporation, the truſtees of the ſaid Library, giving them at leaſt two days previous notice of ſuch meeting. That the chairman, or a majority or more of the ſaid truſtees ſhall form a board of truſtees, and that in the abſence of the chairman the truſtees ſo met ſhall chooſe another to ſerve on that occaſion; that the chairman ſhall have a caſting vote, and no other: that the chairman and a majority of the truſtees ſo met, ſhall have full power and authority to adjourn from day to day, or for ſuch other time as the buſineſs of the ſaid Corporation may require, and from time to time to appoint, and at their pleaſure to diſplace a treaſurer and librarian of the ſaid Library, and to appoint other or others in their ſtead and place, to aſcertain the compenſation to be allowed the treaſurer or librarian or either of them for their ſervice in their ſtation reſpectively, and to regulate and appoint to them the ſaid treaſurer and librarian, or either of them, their reſpective powers, truſts and duties, to direct the application of monies belonging to the ſaid corporation to the purchaſe of ſuch books and apparatus as they ſhall think proper, to the providing of a room or houſe for the ſafe keeping of the books of the ſaid library and to tranſact, do, manage, and perform, in the name of the ſaid Corporation, all and every act and acts, thing and things whatſoever, which ſhall be neceſſary to be done, and which the truſtees of ſaid Library are by this law authorized to do, and to make, frame, conſtitute, eſtabliſh, and ordain from time to time, and at all times hereafter, ſuch laws, conſtitutions, ordinances, and regulations for the government of the officers, members, and ſervants of ſaid Corporation, for regulating the terms upon which the books of the ſaid library ſhall be lent out both to the members of the ſaid Corporation and others, for fixing and aſcertaining the times and places of the quarterly meetings of the ſaid truſtees, for altering, fixing, and aſcertaining the places of meeting of the members of the ſaid Corporation, for the election of truſtees, for regulating the management and diſpoſition of the books of the ſaid Library, and the monies, funds, and effects belonging to the ſaid Corporation, the mode of transferring rights in the ſaid Library from one perſon to another, and all other

Truſtees to have ſtated quarterly meetings, and ſpecial meeting when required.

Majority of truſtees to direct the application of the monies in purchaſing books &c.

To aſcertain the mode of transferring rights, &c.

the business and affairs whatever of the said Corporation, as they or the major part of them so legally met shall judge best for the general good of said Corporation, and for the more effectual promoting, increasing, and preserving the said Library, and the same or any of them to alter, amend, or repeal from time to time, as they or a major part of them so met shall think proper. *Provided* such laws, constitutions, regulations, or ordinances, be not repugnant to the laws of this State.

Every member authorized to sell and alien his rights, & his assign entitled to all his privileges.

And be it further enacted, That it shall and may be lawful for each and every of the members for the time being of the said Corporation, his or her executors, administrators and assigns, to give, sell, alien, assign, devise, and dispose of their respective rights in the said Library, and that their respective assigns shall be members of the said Corporation, and shall be entitled to all and every the same rights and privileges in said Library and said Corporation as the original members are entitled to by this act. *Provided*, That a part of a right in said Library shall not entitle the proprietor or owner thereof to any privilege whatsoever in said Library or Corporation.

And be it further enacted, That it shall and may be lawful at such meeting of a majority or more of the said trustees of the library for the time being to make any bye-laws, constitutions, or ordinances of the said Corporation, to admit under the common seal of the said Corporation such and so many persons, members of the said Corporation, as they shall think beneficial to the said Library, which members so admitted shall be entitled to have, hold, and enjoy all and every the same rights and privileges as the original members are entitled to by this act.

Every member before a certain day to pay annually the sum agreed on by the bye laws.

And be it further enacted, That each and every member of the said Corporation for the time being shall on or before the first Tuesday in the month fixed for the election of trustees annually pay to the treasurer of said Library, for the use of the said Corporation the sum or sums which shall be fixed by the bye-laws of said Corporation, and that whenever any of the members of the said Corporation shall neglect to pay the said annual sum, or any other sum which of right shall become due to the Corporation, for the space of forty days next after the day on which the same ought to have been paid, that then the person or persons from whom the same shall be due shall be precluded from exercising any of the privileges to which he became entitled by virtue of his being or becoming a member of the said Corporation until such sums shall be fully satisfied, and if such sums shall not be paid within two years after any such sum shall become due as aforesaid, that then and after the expiration of two years from the time such payment shall become due, that the person or persons from whom the same shall become due, shall thereupon forfeit and be utterly excluded from all his, her, or their rights and privileges in the said Library and Corporation.

If the trustees at any time shall not be chosen on the day appointed, Corporation not to be dissolved for that cause, but the trustees may be chosen on any other day.

And be it further enacted, That in case it should happen that an election of trustees should not be made on any day when pursuant to this act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day to hold and make an election of trustees in such manner as shall have been regulated by the laws and ordinances of the said Corporation. *Provided always*, That nothing in this act shall be so construed as to authorize any person or persons whatsoever under colour

or by virtue of any incorporation authorized by this act, to do or tranſact any buſineſs, matter or thing, ſave what appertains to a Library, according to the true intent and meaning of this act.

CHAP. XLIV.

An ACT *for the Relief of Goldsbrow Banyar.*

Paſſed 1ſt April, 1796.

WHEREAS the commiſſioners of Forfeitures for the Middle Diſtrict ſold an eſtate as forfeited by the attainder of John Tabor Kemp, which was held by the ſaid John Tabor Kemp and Goldſbrow Banyar, as tenants in common, and paid the whole of the proceeds of ſuch ſale into the Treaſury of this State.

And whereas the ſaid Goldſbrow Banyar, by his petition to the Legiſlature, has prayed relief in the premiſes, and has further ſtated that he is willing to accept of three hundred and fifty pounds, with intereſt from the time the ſaid monies were paid into the Treaſury of this State in lieu of all claims againſt the ſaid eſtate ſold as aforeſaid; Therefore,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, That the Treaſurer of this State be and he is hereby authorized and required to pay to Goldſbrow Banyar, on the firſt day of May next enſuing the paſſing of this act, the ſum of three hundred and fifty pounds, with intereſt at ſix per cent. per annum, to be computed from the time the monies aforeſaid were paid into the Treaſury of this State, out of any monies in the Treaſury not otherwiſe appropriated. *Provided* the ſaid Goldſbrow Banyar ſhall execute a releaſe to the People of this State of all his right, title, intereſt and eſtate to or in the lands ſold as aforeſaid, and depoſit the ſame in the office of the Treaſurer of this State.

CHAP. XLV.

An ACT *for the Relief of Dow I. Fonda, and John Oſtrander, junior.*

Paſſed 1ſt April, 1796.

WHEREAS Dow I. Fonda, ſheriff of the county of Saratoga, and John Oſtrander, junior, ſheriff of the county of Albany, have by their petition repreſented to the Legiſlature that Eliſha Benedict ſtands committed in the gaol of the city and county of Albany, by virtue of ſeveral writs of *Capias ad ſatisfaciendum* ſeverally directed to the reſpective ſheriffs aforeſaid, and that the ſheriff of Saratoga is by a law paſſed on the ninth day of April, one thouſand ſeven hundred and ninety five, directed and required to remove all the priſoners in his cuſtody to the gaol of the county of Saratoga, and that a compliance with ſaid law, or a neglect of the ſame, may expoſe one of the ſaid ſheriffs to an action for the eſcape of the ſaid Eliſha Benedict, and have prayed the interpoſition of the Legiſlature in this behalf: Therefore,

Be it enacted by the People of the State of New York, repreſented in Senate and Aſſembly, That it ſhall and may be lawful for the ſheriff of the county of Albany to keep the ſaid Eliſha Benedict in the gaol of the county of Saratoga by virtue of all writs by which he ſtands charged, as priſoner in the proper gaol of the county of Albany, and that a removal of the ſaid Eliſha Benedict to the gaol in the county of Saratoga, ſhall not be deemed or holden for an eſcape from the ſheriff of Albany, and the ſheriff of Saratoga

hereby required to keep in safe custody the said Elisha Benedict, until he shall be discharged by due course of law on the several processes by which he stands committed, directed to the sheriff of Albany.

CHAP. XLVI.

An ACT *for allowing Compensation to Struck Jurors, and to amend the Act entitled, "An Act concerning Jurors for the Trial of Issues in the City of New York.* Passed 1st April, 1796.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That every juror who shall hereafter be struck for the trial of any cause, and shall attend the Court for that purpose, shall be allowed six shillings a day for every day he shall be from home in going to, attending at, and returning from Court, to be paid by the party at whose request such jury shall be struck, or his attorney; and it shall be lawful for every such juror to bring and maintain his suit for the recovery thereof, either against such party or his attorney in the cause.

And be it further enacted, by the authority aforesaid, That the Clerk of the Supreme Court shall within one week after the end of each term, when the said Court shall be held in the city of New-York, make and deliver to the town clerk of the city of New-York a list of all the jurors who shall have appeared in the said Court in the preceding term, and also a list of all such as made default, and of such as were excused, and of such as were discharged by reason of there being priviledged or not qualified; and the town clerk of the city of New-York shall make like lists of the jurors who appear, or make default, or are excused or discharged in any court of which he is the clerk; and the said town clerk, when he makes a panel of any jury in pursuance of the act, entitled, "An act concerning jurors for the trial of issues in the city of New-York," instead of immediately putting the ballots or slips of paper or parchment drawn for that purpose into another box, as directed by the said act, he shall put them together, and carefully keep them locked up in some safe place until after the end of the term or session of the court at which such jurors are to appear, and shall then, as soon as he can ascertain which of the jurors appeared, and which of them made default, or were excused or discharged, put such of the said ballots or slips of paper or parchment as shall contain the names of the jurors who appeared at such Court, and were not excused from serving or discharged, into such other box, and shall destroy all such of the said ballots as contains the names of the jurors, if any, discharged by reason of their being priviledged from serving or not qualified to serve as jurors, and shall then return the residue of the said ballots into the same box out of which they were drawn.

CHAP. XLVII.

An ACT *supplementary to the Act entitled, "An Act authorising the Surveyor General to ascertain the Eastern Boundary Line of the Lands ceded by this State to the Commonwealth of Massachusetts," and for other Purposes therein mentioned.* Passed 6th April, 1796.

WHEREAS the Surveyor General of this State hath certified unto the commissioners of the Land Office, that he judges the line run by Benjamin Ellicot as for the Eastern Boundary line of the lands ceded by this State to the commonwealth of Massachusetts hath been truly run, and hath

obtained from the ſaid Benjamin Ellicot a deſcription and map of the ſaid line, with a certificate atteſted by his oath that the ſaid line run by him is to the beſt of his knowledge and belief truly performed; Therefore,

Be it enacted by the People of the State of New York, repreſented in Senate and Aſſembly, That the Surveyor General ſhall and he is hereby enjoined, immediately after the paſſing of this act, to indorſe a certificate on the map aforeſaid, and on the deſcription thereof, purporting that the ſaid map and deſcription indicate the direction and courſe of a line as for the Eaſtern boundary line of the lands ceded by this State to the Commonwealth of Maſſachuſetts, and ſhall ſign, ſeal, and duly acknowledge the ſame, and then deliver the ſaid map and deſcription ſo certified to the Secretary of this State, to be by him depoſited in the archives of this State, there to remain as a public record; and from and after ſuch depoſit the line indicated on ſuch map, and in ſuch deſcription, ſhall forever thereafter be taken and deemed and be the eaſtern boundary line of the lands aforeſaid, any thing in the act to which this act is ſupplementary notwithſtanding.

And be it further enacted, That from and after ſuch depoſit, it ſhall and may be lawful to and for the Commiſſioners of the Land Office to do and execute all and ſingular the duties enjoined on them by the act to which this act is ſupplementary. *Provided always*,

And be it further enacted, That it ſhall and may be lawful to and for the Commiſſioners of the Land Office to give in retribution of any lands granted under the great ſeal of this State on the weſt of the line by this act eſtabliſh-liſhed as a boundary line of the ſaid lands, ſuch of the lands in the tract commonly called the Military tract as have not been laid or directed to be laid out into towns, or ſuch other of the unappropriated lands belonging to the people of this State, as they in their diſcretion ſhall deem juſt and equitable, other than lands purchaſed in the laſt year from the Oneida, Onondaga, and Cayuga Indians, and other than the lands lying to the weſtward of the tract ſo ceded as aforeſaid to the Commonwealth of Maſſachuſetts, and alſo other than land heretofore reſerved by law for public uſes, or for the uſe of this State.

CHAP. XLVIII.

An ACT *granting Compenſation to Stephen Ward for Expences incurred in Defence of certain Suits againſt him, for Lands purchaſed of the Commiſſioners of Forfeitures for the Middle Diſtrict.*

Paſſed 6th April, 1796.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the Treaſurer of this State ſhall and he is hereby authorized and required, out of any monies in the Treaſury of this State unappropriated, to pay to Stephen Ward, in full compenſation of all ſervices, claims and demands whatſoever, the ſum of five hundred and one pounds; and the ſaid Treaſurer is hereby required to take and receive of and from the ſaid Stephen Ward a full and perfect releaſe and diſcharge of and from all claims and demands whatſoever on the people of this State.

CHAP. XLIX.

An ACT *to amend the Act entitled An Act for the Encouragement of Schools.*

Paſſed 6th April, 1796.

WHEREAS it is provided by the 12th ſection of the Act entitled "An Act for the encouragement of ſchools," that the inhabitants of two

djoining towns may aſſociate for the purpoſe of erecting ſchools, in conormity to the ſaid act, and that commiſſioners of the town in which the chool is kept ſhall make the like diſtribution to ſuch ſchool as to ſchools wholly compoſed of children belonging to the town in which the ſchool is ept, which in many inſtances is likely to operate unequally between the nhabitants of ſaid towns: For remedy whereof,

BE it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, That the commiſſioners of the adjoining towns in hich ſuch aſſociation ſhall take place ſhall reſpectively furniſh monies to ch ſchool in the ſame manner as is directed with regard to other ſchools in roportion to the number of ſcholars from each town reſpectively, and the ruſtees of the ſchool in the town where ſuch ſchool is ſo kept ſhall direct ſeparate account of the days of inſtruction that ſhall be ſo given to ſchors that belong to ſuch adjoining town and deliver the ſame to the commiſſioners of ſchools of ſuch adjoining town, and the ſaid commiſſioners hall pay the proportion of ſaid money to ſaid truſtees accordingly.

And be it further enacted, That the children of the inhabitants of any own where there is an academy incorporated or to be incorporated, and hall be taught in ſuch academy only reading, writing and common arithetic, ſhall be conſidered as ſcholars of common ſchools are conſidered by he act entitled "An act for the encouragement of ſchools," and ſhall have he like benefit as other ſcholars belonging to the common ſchools in the ſame own as to the gratuity of this ſtate and the tax to be raiſed in the ſame town.

CHAP. L.

An ACT *relative to certain confiſcated Lands in the Counties of Saratoga and Montgomery.* Paſſed 6th April, 1796.

WHEREAS it hath been repreſented to the Legiſlature that certain undivided parts of ſeveral lots of land in the patent of Kayaderoſſeras n the county of Saratoga became the property of the people of this ſtate by he attainder of Iſaac Low, and that the ſaid lots of land are now in he poſſeſſion of ſeveral perſons who are entitled to certain other undivided hares in the ſame lots which perſons have prayed that the right of the peole of this ſtate in and to the ſaid lots of land may be granted to them on heir paying for the ſame; Therefore,

Surveyor General aſcertain who e poſſeſſors are d to ſell the ſaid nds to them.

BE it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, That the Surveyor General ſhall as ſoon as may be after the paſſing of this act, aſcertain what ſettlers or occupants are in the actual poſſeſſion of the ſaid lots of land in the ſaid patent of Kayaderoſſeras, certain undivided parts hereof have been the property of the people of this ſtate by the attainder f the ſaid Iſaac Low, and having aſcertained the ſame, ſhall ſell and quit laim on the part of the people of this ſtate all the eſtate, right, title and ineſt of the people of this ſtate of and in the lands ſo the property of the eople of this ſtate as aforeſaid, to ſuch ſettlers or occupants who are in the ctual poſſeſſion thereof reſpectively to them their heirs and aſſigns forever. *Provided*, That immediately after the executing ſuch quit claims the granees therein reſpectively named ſhall execute a mortgage on ſaid lots of the art of the lot ſo quit claimed for ſecuring to be paid to the people of this tate the ſum of three dollars per acre for the ſame, which ſums ſhall be ade payable on the firſt day of January one thouſand eight hundred and

five, with intereſt at ſix per cent per annum, to be yearly paid into the treaſury of this ſtate, which mortgage ſhall be in the form of that preſcribed in the act entitled, "An act for the relief of Nathaniel Mallory and others," and which mortgages ſhall be good and effectual in the law, and that the grantees ſhall pay all expences which ſhall accrue in the premiſes.

Mortgages to be regiſtered and then depoſited with the Treaſurer.

And be it further enacted, That the Surveyor General ſhall cauſe the mortgages ſo to be by him taken to be acknowledged and regiſtered according to law, and then deliver the ſame to the Treaſurer of this ſtate.

Proviſo, nothing in this act to be deemed as a warranty of ſaid land on the part of this ſtate.

Provided, That nothing in this act contained ſhall be deemed or taken to be a warranty on the part of this ſtate of any of the lands herein directed to be ſold, but the ſame ſhall be ſold and diſpoſed of by the Surveyor General ſubject to all claims of dower and every other claim that may be on the ſame, and a clauſe to that effect ſhall be inſerted in the deeds to be given by the Surveyor General to the purchaſers thereof.

And when ſaid mortgages are taken, bonds to be alſo given for the amount of the purchaſe money.

Provided always, That at the time of taking the ſaid mortgages reſpectively hererein before directed to be given the grantees reſpectively ſhall give bonds to the people of this ſtate in penalties of double the amount of the purchaſe money conditioned faithfully to pay ſuch ſums of money at the periods when the ſame are reſpectively to be made payable with the intereſt thereof annually at the Treaſury of this ſtate.

Reciting that lands in the ſame ſituation in Saratoga county have heretofore been ordered to be ſold by the ſurveyor General.

And whereas by an act entitled, "An act relating to certain confiſcated lands in the county of Saratoga," paſſed the 8th April, 1795, the Surveyor General is directed to ſell and quit claim the one undivided third part of lot number ſeven in the eight allottment, and the one undivided third part of lot number eight in the ſeventh allottment in the ſaid patent of Kayaderoſſeras to the actual ſettlers and occupants thereon reſpectively.

And that difficulties have ariſen and may again occur in aſcertaining the perſons to whom ſuch ſales are to be made

And whereas difficulties have occurred in aſcertaining the perſons to whom ſuch ſales and quit claims are by ſaid act intended to be made and the like difficulties may occur in the execution of this act; For remedy whereof,

Surveyor General to give notice to all the occupants by public advertiſement when he will make the enquiry and receive the evidence of ſuch occupancy.

BE it further enacted, That the Surveyor General ſhall as ſoon as may be, give notice to the ſettlers and occupants of ſaid lots reſpectively for ſix weeks ſucceſſively in the newspapers printed in Albany and Lanſingburgh, of the time when he will make the enquiry and receive the evidence neceſſary to aſcertain who are the actual ſettlers and occupants of the ſaid lots reſpectively, and having thereupon aſcertained the ſame, he ſhall forthwith proceed to make ſales to ſuch occupants and otherwiſe to act in the premiſes as is directed by the act laſt aforeſaid and this act.

The title of the State to a certain lot in Johnſtown veſted in the truſtees of the academy.

And be it further enacted, That all the eſtate, right, title, intereſt, claim and demand of the people of the ſtate of New-York in and to lot number thirty-ſix in the village of Johnſtown in the county of Montgomery, conſiſting of half an acre heretofore by law appropriated to and ſet apart for the uſe of a ſchool, be and the ſame is hereby veſted in the truſtees of John-

wn academy and their ſucceſſors in truſt for the only benefit and advan-
ge of the ſaid academy.

And be it further enacted, That the ſaid truſtees never-
theleſs ſhall, and they hereby have full power to ſell and convey the lot hereby granted. *Provided*, the money ariſing from the ſale thereof be applied to the purchaſe of ano-
er lot, and the erection of a building for the uſe of the ſaid academy with-
ſuch part of the village of Johnſtown as the truſtees of the ſaid academy
all deem moſt expedient and advantageous.

id truſtees authorized to ſell ſaid lot certain conditions.

CHAP. LI.

n ACT *to enable the Inhabitants of the old Town of Flatbuſh to eſtabliſh and regulate a Night-Watch, and for other Purpoſes therein mentioned.*

Paſſed 6th April, 1796.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall and may be lawful for the freeholders and inhabitants of that part of the town of Flatbuſh, in King's county, commonly called the Old town of Flat-Buſh, at the next annual town-meeting, or at a ſpecial town meeting to be called for that purpoſe, to be held in Flatbuſh aforeſaid, and in every year thereafter, at ſuch annual town-meeting, to chooſe by a majority of votes three freeholders reſiding in the ſaid Old town of Flat-Buſh, to direct, order, eſtabliſh, and regulate a night-watch in the ſaid Old town of Flatbuſh, who ſhall be called and known by the name and ſtile of the Directors of the Night-Watch.

And be it further enacted, That it ſhall be lawful for the ſaid directors, being ſo elected as aforeſaid, to meet together, and being met, to order, eſtabliſh, and regulate a night-watch in the ſaid Old town of Flat-Buſh, which watch ſhall conſiſt of not more than ſix or leſs than three men and an officer for each night, the ſaid directors ſhall order ſuch night-watch to be kept out of the inhabitants of the ſaid Old town of Flat-Buſh, who ſhall and hereby are required and directed in their turns to keep watch and guard in ſuch manner, and at ſuch times and places as the ſaid directors ſhall order and direct.

Directors to eſtabliſh a watch out of the inhabitants, to conſiſt of not more than ſix, nor leſs than three men, and an officer for each night, and all the inhabitants to keep watch in their turns.

And be it further enacted, That it ſhall and may be lawful for the ſaid directors, or any two of them, to make, eſtabliſh, and ordain ſuch rules, orders, and regulations for the government, conduct, duty, and behaviour of the ſaid watch and watchmen, and to impoſe ſuch reaſonable fines, penalties, and forfeitures, upon them or any of them, for default or neglect of the duties and ſervices enjoined or required by ſuch orders and regulations as the ſaid directors ſhall from time to time deem meet or convenient. *Provided always*, That no greater fine, penalty, or forfeiture, ſhall be levied for any one offence than eight ſhillings for an officer, and ſix ſhillings on every watchman.

Directors to eſtabliſh rules, and to inflict fines for offences.

And be it further enacted, That if any perſon ſhall, after the paſſing of this act, in the ſaid Old town of Flatbuſh, pull down, deſtroy, or injure any fence made with pales or boards, or be aiding in the ſame, or ſhall wilfully break or deface any glaſs window, porch, knocker, or other fixture, in the ſaid old town, and ſhall thereof be convicted before any juſtice of the peace in the ſaid town or county, he or ſhe

A penalty of five pounds to be inflicted on any perſon who in the Old town of Flatbuſh ſhall break a pale fence, or deſtroy any windows or knockers, &c.

for every ſuch offence ſhall forfeit the ſum of five pounds, to be recovered with coſts, and levied by diſtreſs and ſale of the goods and chattels of every ſuch offender, one moiety of which forfeiture ſhall be paid into the hands of the ſaid directors for repairing the injury done or committed by ſuch offender, and for defraying the expences of the night-watch, and the other moiety of ſuch forfeiture to be paid to the perſon or perſons who ſhall proſecute for the ſame to effect.

And on refuſal to pay ſaid penalty and want of chattels whereon to levy the ſame, the offender to be committed to gaol.

And be it further enacted, That upon refuſal of payment of ſuch reſpective forfeiture or forfeitures, and want of ſufficient goods and chattels whereon the ſame can be levied, it ſhall be lawful for ſuch juſtice of the peace before whom ſuch conviction or convictions ſhall take place by warrant under his hand and ſeal to commit every ſuch offender to the gaol of the ſaid county, there to remain without bail or mainprize for the ſpace of one month; and if any ſuch offence ſhall be committed by any apprentice, ſervant or ſlave, ſuch forfeiture ſhall be paid by his or her maſter, miſtreſs or owner; or in default thereof, ſuch apprentice, ſervant or ſlave, ſhall be committed to the ſaid gaol in manner aforeſaid.

CHAP. LII.

An ACT *relative to the common and undivided Lands and Meadows in Southold, in the County of Suffolk.*

Paſſed 8th April, 1796.

WHEREAS the proprietors of the common and undivided lands and meadows in Southold, by their petition to the Legiſlature have requeſted Legiſlative aid to enable them more advantageouſly to improve their ſaid lands and meadows; Therefore,

Be it enacted by the people of the State of New York, repreſented in Senate and Aſſembly, That it ſhall and may be lawful for the ſaid proprietors to meet on the ſecond Tueſday in April next, at the houſe of Moſes Caſe, in Southold aforeſaid, and annually thereafter on the ſecond Tueſday in April, at ſuch place as a majority of them ſhall direct; and at every ſuch meeting the ſaid proprietors, or a majority of them, who ſhall be preſent, may make ſuch prudential rules and regulations for the better improving and managing their ſaid common and undivided lands and meadows, as they ſhall judge proper; which rules and regulations ſhall be entered in a book to be provided for that purpoſe, by a clerk to be choſen at every ſuch meeting.

And be it further enacted, That the ſaid proprietors, at every ſuch meeting, may elect three truſtees to have the ſuperintendance and management of their ſaid lands and meadows, according to ſuch rules and regulations as aforeſaid to be made at ſuch meetings.

And be it further enacted, That the ſaid truſtees, or a majority of them, or of the ſurvivors of them, may ſue for and recover, for the uſe of the ſaid proprietors, all ſuch penalties as ſhall be made for the breach of the ſaid rules and regulations ſo to be made as aforeſaid. *Provided always*, That no penalty for any one offence ſhall exceed the ſum of three pounds.

And be it further enacted, That the ſaid truſtees may call a ſpecial meeting of the ſaid proprietors whenever they ſhall judge the ſame to be neceſſary, by advertiſing the ſame at three different meeting-houſes in Southold aforeſaid, ſix days previous to the meeting; and the proceedings of ſuch

meeting shall be as good and valid as if they were done at the annual stated meetings as aforesaid.

And be it further enacted, That the votes of the said proprietors, at any such meeting as aforesaid, shall be counted according to the number of rights owned by each proprietor who shall vote at such meeting.

CHAP. LIII.

An ACT *for the Relief of John Dolson.*

Passed 8th April, 1796.

WHEREAS John Dolson hath by his petition represented to the Legislature, that the commissioners appointed by the joint resolution of the Legislature of this State, on the twelfth day of March, in the year one thousand seven hundred and eighty eight, did make an allotment of four hundred and thirty acres of land for the said John Dolson, situate in the then town of Chemung, and distinguished by lot number one hundred and sixteen, as appears by the map and field book filed by the said commissioners in the office of the Surveyor General of this State, and that by reason of sickness and other misfortunes, he was not able to pay the purchase money into the Treasury by the time prescribed by law, and hath prayed for relief in the premises: Therefore,

Be it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful to and for the commissioners of the Land Office of this State, and they are hereby directed and required to issue letters patent under the Great Seal of this State, in the usual form, unto the said John Dolson, or his heirs, for the said lot number one hundred and sixteen, agreeably to the description and boundaries of the said lot mentioned and contained in the map and field book aforesaid.

Provided always, That the said John Dolson, or his heirs, shall previously to issuing such letters patent, and within the space of eight calendar months after the passing of this act, have paid into the Treasury of this State the whole of the purchase money for the said lot, so to be granted agreeably to the certificate of the commissioners by whom the allotment was made, together with the interest at six per cent per annum, accrued subsequent to the first day of March, one thousand seven hundred and ninety one. *Provided nevertheless*, That the grant hereby made to the said John Dolson shall not in any wise affect any *Bona Fide* title which any person or persons may have by former grants from this State to the lands aforesaid.

CHAP. LIV.

An ACT *for the encouragement of the Albany Glass Factory.*

Passed 8th April, 1796.

BE *it enacted by the People of the State of New-York represented in Senate and Assembly*, That the lands, buildings, improvements, premises and appurtenances, called and known by the name of the Albany Glass Factory, and every thing appertaining in and to the carrying on the said Factory, together with the buildings of the workmen about the same, shall be and hereby are exempted from taxation for and during the term of five years from and after the passing of this act.

And be it further enacted, That the agents, superintendants, artificers and workmen of every kind employed in and about the said Factory, shall be and they are hereby exempted from working on the highways, and from serving as jurors in all cases whatever, and of serving in the militia, except

in cases of insurrection and invasion, during the time that they or either of them shall or may be employed in and for the said Factory.

CHAP. LV.

An ACT *for the more effectual Prevention of Fires and to regulate Buildings in the City of New-York, and to repeal and explain certain acts therein mentioned.*

Passed 8th April, 1796.

All houses hereafter to be built in the city of New-York south and west of a certain line which shall be more than 25 feet from the surface of the street to the foot of the rafter to be made of stone or brick and to have party walls twelve inches above the roof and to be covered with tile or slate.

BE *it enacted by the People of the State of New-York represented in Senate and Assembly*, That every dwelling house or other building whatsoever which shall be erected or built within the said city to the south and west of a line beginning at the outlet of the meadow of Anthony Lispenard into Hudson's river, and thence running to and along the north side of the dwelling house of Nicholas Bayard thence to and along the north side of the dwelling house of John R. Livingston, and thence to and along the north side of the dwelling house of Abraham Cannan to the east river, and which from the surface or level of the street on which such house shall adjoin either in front or in rear to the foot of the rafter shall be more than twenty five feet, shall be made and constructed of stone or brick, with party or fire walls, rising twelve inches above the roof, and shall be covered, except the flat roof thereof, with tile or slate, or other safe materials against fire and not with boards or shingles, and that the flat of any roof may be covered with boards or shingles. *Provided* such flat do not exceed two equal fifth parts of the space of such roof and there be erected around the same a flat substantial balcony or balustrade.

Except the flat which may be covered with boards or shingles.

Proviso.

For every house erected or built contrary to this act the proprietor to forfeit fifty pounds and the workman who builds it to forfeit twenty five pounds.

And be it further enacted, That if any dwelling house or other building whatsoever shall be erected or roofed contrary to this act, the proprietor or proprietors thereof shall for every such offence forfeit and pay the sum of fifty pounds; and the workman who shall build or roof such dwelling house or other building contrary to this act, shall for every such offence forfeit and pay the sum of twenty five pounds, to be recovered with costs of suit in any court of Record within this State by any person or persons who will sue or prosecute for the same to effect the one moiety or half part of the same to the person or persons so prosecuting, and the other moiety when recovered to be paid to the Treasurer or Chamberlain of the said city, for the use of the poor thereof. *Provided always*,

Any house now covered with boards or shingles, when it requires a new roof, may be roofed with the same materials.

And be it further enacted, That if any dwelling house or other building already erected, and now covered with boards or shingles, within the said city, southward and westward of the line aforesaid, shall at any time hereafter require to be new roofed, it shall and may be lawful for the proprietor or proprietors thereof to roof the same with boards or shingles, or in such other way and manner as was customary before the passing this act, any thing herein contained to the contrary in anywise notwithstanding.

very house built roofed contrary this act, beside penalty before flicted, subject to uble taxes.

And be it further enacted, That besides the penalties upon the proprietor and workmen who shall build or roof the same, every dwelling-house or other building which shall be erected or built after the first day of May next, contrary to the directions of this act, shall be liable to and chargeable with double taxes during so long time as such dwelling-

ouse or other building shall so continue.

ofs or steeples of blic buildings y be covered th shingles.

And be it further enacted, That all roofs, steeples, cupolas and spires of churches and other public buildings may be covered with boards and shingles, any thing in this act to the contrary hereof notwithstanding.

Certain houses rein described to be considered three story houses

And be it further enacted, That any house or other building which hath been erected or built in the city of New-York, southward and westward of the line aforesaid, since the thirty-first day of March, one thousand seven hundred

d ninety five, or shall be erected or built at any time before the first day September next, not exceeding twenty eight feet in height, as described in e act hereby repealed, shall not be deemed a three story house or build-g, nor be subject to any of the penalties provided in either of the acts, by is act repealed.

No more than a ain quantity of lphur, hemp, or x to be kept in y one place in city of New-k.

And be it further enacted, That from and after the passing of this act, no greater quantity of sulphur than ten hundred weight, and no greater quantity of hemp or flax than twenty hundred weight, shall be put, stored, or kept in any one place in the city of New-York, to the southward of

e Fresh Water, in the Sixth Ward, nor to the southward of Rutger's Slip, the Seventh Ward, other than in such proper place or places as shall be appointed and approved of by the Mayor, Aldermen, and Commonalty of the city of New-York, in Common Council convened, under the penalty of ten pounds for every offence or refusal to remove the same, to be recovered, levi-

Unless in places ointed for the rpose by the Cor-ation.

, and applied in the manner and for the purposes in and by this act di-ected.

Certain acts for gulating buildings pealed, except to suits now nding under em.

And be it further enacted, That the act for the more effectual prevention of fires, and to regulate certain buildings in the city of New-York, passed the twenty fourth of March, one thousand seven hundred and ninety one, and the act to explain an act, entitled, "An act for the more

fectual prevention of fires, and to regulate certain buildings in the city of ew-York," passed the 26th of January, 1792, and one other act to mend the acts for the prevention of fires, and to regulate certain buildings the city of New-York, passed the 31st of March, 1795, except as to its now depending, be and each of them are hereby repealed.

John Stagg and ers to apportion ee fourths of the ble sum that y be necessary continuing ncker street, and dening Beaver-e among the prietors of lots.

And be it further enacted, That John Stagg, George Stanton, Joseph Stringham, William De Peyster, and Anthony Post, commissioners appointed in and by an act, entitled, "An act for continuing and extending Bancker street, in the Fifth Ward of the city of New-York, into Pearl street, and for widening Beaver lane, in the First Ward of the said city," or a major part of the said commissioners, be, and they are hereby authorized and required to assess a pro-

portion, not leſs than three fourths of the whole ſum neceſſary to defray the expences of opening Bancker ſtreet in the Fifth Ward of the city of New-York, and for widening of Beaver Lane, in the Firſt Ward of the ſaid city, upon the owners and occupants of houſes and lots which in their opinion will be benefited by ſuch improvements, in ſuch proportions among the reſpective owners and occupants as they ſhall judge juſt and equitable, any thing in the ſaid act to the contrary in any wiſe notwithſtanding.

CHAP. LVI.

An ACT *requiring the Officers in this State to take certain Oaths of Office, and for giving Notice to Officers appointed or ſuperceded.*

Paſſed 8th April, 1796.

Any officer, civil or military, who ſhall execute his office without taking the oaths preſcribed by law, to forfeit the ſame, & to be alſo liable to indictment.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly,* That if any officer, civil or military in this ſtate, ſhall execute his office without having firſt taken and ſubſcribed the oaths or affirmations required by the ſtatutes of this ſtate to be taken, and the oath to ſupport the conſtitution of the United States, ſuch officer ſhall thereby forfeit their ſaid offices reſpectively, and be removed therefrom, and ſuch neglect or omiſſion is hereby declared to be a miſdemeanor indictable and puniſhable by fine and impriſonment.

Secretary of State to ſend all commiſſions and ſupercedeaſes to the county clerks and they at the expenſe of the State to give notice to the perſons appointed.

And be it further enacted, That as often as any appointments ſhall be made by the Council of Appointment, to any offices civil or military in this State, and as often as any perſon or perſons ſhall be ſuperceded, the commiſſions and ſupercedeaſes ſhall from time to time be ſpeedily ſent by the Secretary of this State to the clerk of the county wherein ſuch perſon ſo appointed or ſuperceded reſide; which clerk ſhall forthwith, at the expence of this State, give notice to every perſon appointed to any office, or ſuperceded of ſuch appointment or ſupercedeas;

And the Governor, when he may think it neceſſary, to ſend them by ſpecial expreſs.

and whenever the perſon adminiſtering the government of this State ſhall judge it for the public good that a ſpeedier communication be made of any appointment or ſupercedeas, it ſhall be lawful to diſpatch, at the expence of this State, an expreſs for that purpoſe to the perſon ſo appointed or ſuperceded, or to the clerk of the county wherein ſuch perſon or perſons ſhall reſide, with the commiſſions or ſupercedeaſes.

County clerks yearly to make a return to the governor of all perſons who have taken the oaths, & of all who have neglected the ſame. &c.

And be it further enacted, That the clerk of each county in this State ſhall, on or before the fifteenth day of January, in every year, at the like expence of this State, give information to the perſon adminiſtering the government of this State, of ſuch perſons as have taken the oaths required by law to be taken, and of ſuch as have neglected to take the ſame, and alſo of all vacancies occaſioned by death, removal or otherwiſe.

When a ſupercedeas iſſues, a notification thereof by direction of the governor in the newſpaper deemed ſufficient.

And be it further enacted, That in thoſe caſes where a ſupercedeas iſſued and ſent in manner aforeſaid will not in the opinion of the perſon adminiſtering the government of this State give ſufficient public notice thereof the Secretary of this State ſhall cauſe notice of ſuch ſupercedeas to be publiſhed for two weeks ſucceſſively in the news paper printed by the printer to this State, which publication is hereby declared to be a ſufficient notice thereof to all intents and purpoſes.

Yearly accounts of expences accruing under this act to be laid before the Legislature.

And be it further enacted, That the accounts of the expences attending the execution of this act shall be yearly and every year laid before the Legislature, to the end that provision may be made for the payment thereof.

Reciting that by certain act the Council of Appointment are authorized to appoint assistant justices for the city and county of New-York, but no limitation of time for holding said offices is mentioned.

Whereas by the twentieth section of the act entitled, "An act for the more speedy recovery of debts to the value of ten pounds, the person administering the government of this State for the time being, by and with the advice and consent of the Council of Appointment, was authorized to appoint assistant justices in the city and county of New-York, but no time limited for their duration:

Therefore,

Time of said offices herein limited.

Be it further enacted, That every such office shall be held during the pleasure of the Council of Appointment. *Provided*, That new commissions shall be issued once at least in every three years.

Any person named in a dedimus protestatem who shall neglect to make return to the clerk of the county of all persons to whom he shall have administered the oaths subject to a penalty.

And be it further enacted, That if any person whose name is inserted in the commission of dedimus protestatem in any of the counties of this State, shall not make a return of the rolls containing the names of all such officers to whom he shall have administered the oaths of office, within six months after he shall have administered the said oaths, every such person neglecting to make such return as aforesaid shall forfeit to the people of this State the sum of ten pounds, to be sued for and recovered with costs of suit before any court having cognizance of the same by the clerk of the county in which the said person so making default as aforesaid shall reside, one moiety of which forfeiture, when recovered, shall by the said clerk be paid into the hands of the Treasurer of the said county, to be disposed of in such manner as the board of supervisors of the county shall direct, and it shall be lawful for the said clerk to retain the other moiety of the said forfeiture for his own use.

CHAP. LVII.

An ACT *for the Payment of certain Officers of Government, and other contingent Expences.* Passed 11th April, 1796.

Treasurer to pay Simeon De Witt, Surveyor General, a salary at the rate of 500 l. per annum.

Late Clerk of the Courts of Oyer and Terminer a salary at the rate of 500 l. per annum,

State Printer a salary at the rate of 100 l. per ann.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the Treasurer of this State shall pay, on or before the first day of July next, to Simeon De Witt, Surveyor General of this State, the sum of five hundred pounds. To James Fairlie, late clerk of the courts of oyer and terminer and general gaol delivery, at and after the rate of five hundred pounds per annum. To Francis Childs, late printer to this State, at and after the rate of one hundred pounds per annum, for their services in their respective offices; the said Simeon De Witt from the first day of July last to the first day of July next; the said James Fairlie from the first day of July last to the fourteenth day of February last; the said Francis Childs from the first day of July last till the nineteenth day of January last.

Simeon De Witt to account for all fees by him received.

Provided nevertheless, That the said Simeon De Witt shall account with the Auditor of this State, and pay into the Treasury all the fees which he may have received as surveyor general during the time above mentioned, and which have not yet been accounted for and paid.

The Adjutant General a salary at the rate of 600l. per annum.

And be it further enacted, That the said Treasurer shall pay unto David Van Horne, adjutant general of the militia of this State, at and after the rate of six hundred pounds for his services in the said office from the first day of July last to the first day of July next.

Chaplains who attend the Legislature, each 20s. per day.

And be it further enacted, That the said Treasurer shall pay to such of the clergy as shall have attended the Legislature as chaplains during the present session the sum of twenty shillings each for every day of their attendance for that purpose, and a certificate of their attendance, and the sums due to them respectively shall be certified by the President of the Senate and the Speaker of the Assembly in like manner as for the members of the Legislature.

Committee who canvassed the ballots of the last general election, the like sum as is allowed to members of the Legislature in the permanent support bill.

And be it further enacted, That the said Treasurer shall pay to each member of the joint committee of the Senate and Assembly who attended at the Secretary's office to canvass the ballots taken at the last election for Governor, Lieutenant Governor and Senators, for every day they attended, or were travelling to or from their respective places of abode, for the purpose of attending on such canvass, the like compensation as is allowed to the members of the Legislature for their services in and by this act, and the act entitled, "An act for the support of Government."

Committee for canvassing the ballots in the present year the like sum as is allowed to members of the Legislature by this act.

And be it further enacted, That the said Treasurer shall pay to each member of the joint committee of the Senate and Assembly appointed at the present session of the Legislature to canvass the ballots to be taken at the next election for Senators for this State, and for canvassing the ballots to be taken at the next ensuing election for electing Representatives for this State in the Congress of the United States, for every day they shall respectively attend, or are travelling to or from their respective places of abode, for the purpose of attending on such canvass, the like compensation as is allowed to members of the Legislature in and by this act for their services during the present session; and if the said canvassers shall not be able to finish the business of canvassing within the time limited by law, they shall continue from day to day to canvass the votes until they shall have compleated the said canvassing, not exceeding twenty one days in the whole.

Committee may continue to canvass for twenty-one days.

Reciting, that from the enhanced price of the necessaries of life, it is requisite to raise the compensation to the members of the legislature beyond what is allowed by the permanent support bill.

And whereas, by the act entitled, "An act for the support of Government," passed the 11th day of April, 1792, it is enacted, that for the then present session, and at every session of the Legislature, in every year thereafter, the President of the Senate and Speaker of the House of Assembly shall each be entitled to receive thirty shillings for every day he shall attend in his station, and that each member of the Senate and Assembly shall be entitled to receive twenty shillings for every day he shall attend either of the said houses respectively, and the like compensation to the said President and Speaker, and to the other members of the Legislature, for every thirty miles of the distance from the place of his residence to the place of the meeting of the Legislature, both for travelling to and returning from the place of their said meeting. And for as much as the prices of every necessary of life have

ſince the above period been greatly enhanced, and a variety of circumſtances render it proper and expedient that the compenſation to the members of the Legiſlature for the preſent ſeſſion ſhould and ought to be augmented and raiſed: Therefore,

Treaſurer to pay the Preſident of the Senate and Speaker of the Aſſembly an additional ſum of 18s. per day, and to each member of the Legiſlature an additional ſum of 12s. per day.

Be it further enacted, That the ſaid Treaſurer ſhall pay, in addition to the allowance made and directed in and by the ſaid act above mentioned, to the Preſident of the Senate and the Speaker of the Houſe of Aſſembly for the preſent ſeſſion, the additional ſum of eighteen ſhillings per day, and to each and every of the members of the Legiſlature for and during the preſent ſeſſion, the additional ſum of twelve ſhillings per day, to be paid to each of the ſaid members of the Legiſlature reſpectively, in the manner directed and appointed in and by the ſaid act above mentioned.

Clerks of the Senate and Aſſembly an additional ſum of 18s. per day, and to the ſerjeants at arms and door-keepers an additional ſum of 8s. per day.

And be it further enacted, That the ſaid Treaſurer ſhall pay to the clerk of the Senate and the clerk of the Aſſembly the ſum of eighteen ſhillings per day, in addition to the allowance ſtipulated to be paid to them reſpectively in and by the fifth ſection of the ſaid act above mentioned, for their reſpective ſervices during the preſent ſeſſion of the Legiſlature; and in like manner there ſhall be allowed and paid to the ſerjeant at arms of the Senate and the ſerjeant at arms of the Aſſembly, and the door-keepers of the Senate and Aſſembly for the preſent ſeſſion, the ſum of eight ſhillings per day for every day they ſhall have reſpectively attended the Legiſlature during the preſent ſeſſion, in addition to the allowance ſtipulated and made in and by the ſaid act above mentioned, and in manner and form as is directed in and by the ſaid act.

Compenſation to the Preſident and Speaker on what voucher to be paid.

And be it further enacted, That the compenſation which may as aforeſaid become due to the Preſident of the Senate and Speaker of the Houſe of Aſſembly ſhall be paid by the ſaid Treaſurer to the ſaid Preſident and Speaker reſpectively on their producing to the ſaid Treaſurer their accounts ſigned by them reſpectively.

And whereas, by the ſaid act, entitled, "An act for the ſupport of Government," it is enacted, that each member of the Senate and Aſſembly ſhall receive the ſame allowance per day for the days they are travelling to and from their reſpective places of abode to the place of the meeting of the Legiſlature, ſaid allowance to be computed at thirty miles travelling per day, which ſaid allowance is conceived to be inſufficient: Therefore,

Twenty one miles conſidered as a day's travelling for a member of the Legiſlature.

BE *it further enacted*, That inſtead of computing ſaid travelling at thirty miles per day it ſhall in reſpect to the preſent ſeſſion be computed at twenty miles per day, any thing in the ſaid act to the contrary notwithſtanding.

Treaſurer to pay Jotham Poſt 400l. for repairing government houſe.

And be it further enacted, That the ſaid treaſurer ſhall pay to the order of Jotham Poſt a ſum not exceeding the ſum of four hundred pounds to be appropriated in and about the repairs to the Government Houſe, and for improving the lot and premiſes appertaining to the ſaid houſe, in ſuch manner as the ſaid Jotham Poſt ſhall judge moſt proper, and for which ſum the ſaid Jotham Poſt ſhall account with the Auditor of this State.

Additional ſum beyond what is allowed in the permanent ſupport bill to the following perſons to wit: to the Governor Chancellor, Chief Juſtice and Judges —to the Treaſurer, to the governor's private Secretary, and to the Secretary of the State.

And be it further enacted, That from the firſt day of July laſt to the firſt day of July next there ſhall be allowed to the ſeveral officers of government hereafter mentioned in addition to the annual ſalaries now allowed them and each of them reſpectively in and by the ſaid act entitled "An act for the ſupport of government," the following ſums, to wit—To the perſon adminiſtering the government of this ſtate the ſum of five hundred pounds in addition to the ſum ſtipulated and allowed in and by the ſaid act. To the Chancellor the ſum of two hundred and fifty pounds in addition to the ſum ſtipulated and allowed in and by the ſaid act. To the chief juſtice the ſum of two hundred and fifty pounds in addition to the ſum ſtipulated and allowed in and by the ſaid act. To each of the other judges of the ſaid ſupreme court the ſum of two hundred and fifty pounds in addition to the ſum ſtipulated and allowed in and by the ſaid act. And to Egbert Benſon one of the judges of the ſupreme court a further ſum at the rate of two hundred pounds a year during the time he has reſided or ſhall reſide in the city of New-York ſince the firſt day of July laſt and before the firſt day of July next. To the treaſurer the ſum of two hundred pounds in addition to the ſum ſtipulated and allowed in and by the ſaid act. To the private ſecretary of the perſon adminiſtering the government of this ſtate the ſum of ſeventy five pounds in addition to the ſum ſtipulated and allowed in and by the ſaid act. To the ſecretary of this ſtate the ſum of one hundred and fifty pounds in addition to the ſum ſtipulated and allowed in and by the act entitled "An act allowing an annual ſalary to the ſecretary of this ſtate," including his ſervices as clerk to the council of reviſion. All which ſaid additional ſums ſhall be paid by the ſaid treaſurer in manner and form as is directed in and by the ſaid act entitled "An act for the ſupport of government."

Commiſſary of military ſtores 50l. and a further ſum of 16l. 13s. 11d.

And be it further enacted, That the ſaid treaſurer ſhall pay to Robert Hunter commiſſary of military ſtores for his ſervices in the ſaid office for one year from the firſt day of July laſt to the firſt day of July next the ſum of fifty pounds, and the further ſum of ſixteen pounds, thirteen ſhillings and eleven pence to the ſaid Robert Hunter being for the like ſum advanced and expended by him the ſaid Robert Hunter in and about the buſineſs of his ſaid office.

Chamberlain of Albany for the uſe of the Corporation the ſum of 255l. 2s. 2d.

And be it further enacted, That the ſaid treaſurer ſhall pay to the Chamberlain of the city of Albany for the uſe of the mayor, alderman and commonalty of the ſaid city of Albany the ſum of two hundred and fifty five pounds, two ſhillings and two pence being the neceſſary expences incurred, expended and paid by the ſaid mayor, aldermen and commonalty of the city of Albany during the laſt ſummer and fall in and about the preventing the introduction and ſpreading of the infectious diſeaſe in the ſaid city of Albany which at that period prevailed in the city of New York.

Corporation of New York the ſum of 331l. 16s. 2d.

And be it further enacted, That the ſaid treaſurer ſhall pay to the mayor, aldermen and commonalty of the city of New-York in common council convened or to their order by warrant under the hand of the mayor or recorder of the ſaid city preſiding in ſuch common council the ſum of three thouſand, three hundred and eleven pounds, ſixteen ſhillings and two pence being the amount of the neceſſary expences incurred and paid by the ſaid mayor,

aldermen and commonalty of the city of New-York during the last summer and fall by occasion of the infectious disease which during that time prevailed in the city of New-York.

. Ten Broeck and thers 30s. per day r their services as gents of Indian af-airs.

And be it further enacted, That the said Treasurer shall pay to Abraham Ten Broeck, Egbert Benson and James Watson, agents appointed by his Excellency the Governor, in pursuance of the act entitled, "An act to amend an act, entitled, an act relative to the Indians resident within this tate," passed the 5th day of March, 1795, for the purposes in the said act pecified, the sum of thirty shillings each per day, for every day they respectively shall and may have been engaged or employed in and about the usiness mentioned in the said act, the said agents respectively having their aid accounts first audited and certified by the auditor of this State.

ichard Lush, clerk f Albany county l. 17s. 10d.

And be it further enacted, That the said Treasurer shall pay to Richard Lush, clerk of the city and county of Albany, the sum of twenty five pounds, seventeen shillings and ten pence, being the amount of certain expences incurred and paid by the said Richard Lush, in removing certain deeds and conveyances for lands in the military tract from his office in the city of Albany o the county of Onondaga, in pursuance of the act of the Legislature in uch case made and provided.

mes Fairlie, clerk the Supreme ourt 16l.

And be it further enacted, That the said Treasurer shall pay to James Fairlie, clerk of the Supreme Court, the sum of sixteen pounds in full for a seal procured by him on the order and for the use of the Supreme Court of this State.

ephen Van Rensaer and others, mmissioners of rtifications, the m of 12s. per y, besides their xpences.

And be it further enacted, That there shall be allowed and paid by the Treasurer, to Stephen Van Rensselaer, John Taylor, John Vernor, and William North, each the sum of twelve shillings per day, exclusive of their necessary expences for every day they shall have been bona fide employed as commissioners of fortifications in the eastern and western districts of this State on their accounts being certified by the auditor.

oorkeeper of the ouncil of Revision s. per day.

And be it further enacted, That the Treasurer shall pay to the doorkeeper of the Council of Revision the sum of twenty four shillings per day for each day he shall have served in that station during the present session of the Legislature agreeable to such account thereof, as he shall produce certified by the Secretary of this State.

ate Attorney Geeral an additional m at the rate of ol. per annum.

And be it further enacted, That an additional allowance shall be made to the salary of Nathaniel Lawrence, late Attorney General, at and after the rate of two hundred pounds per annum, to be computed from the first day of July last, until the day on which the said attorney general resigned his office.

Members of the ouncil of Appointent the like additional compensaon as is allowed the members of e Legislature.

And be it further enacted, That the members of the Council of Appointment shall hereafter, and before the first Tuesday in January next, be entitled to the same additional allowance per day, and be entitled to the like compensation for travelling to and from their respective places of residence as by this act is allowed to the members of the Senate and Assembly. *Provided*, That no such allowance and compensation shall be made, unless for their attendance in the recess of the Legislature,

and the Treaſurer is hereby directed to pay the ſame on the certificate of the perſon adminiſtering the government of the ſtate for the time being.

Certain Indian agents 30s. per day.

And be it further enacted, That the ſaid Treaſurer ſhall pay to the agents appointed in and by the act, entitled "An act for the better ſupport of the Oneida, Onondaga and Cayuga Indians, and for other purpoſes therein mentioned," and to the commiſſioners appointed in and by the act entitled, "An act relative to lands in Brothertown," the ſum of thirty ſhillings each per day for every day they reſpectively have been employed in and about the buſineſs committed to them by the ſaid acts reſpectively, the ſaid agents and commiſſioners reſpectively having their accounts thereof firſt audited and certified by the auditor of this State.

Governor authorized to draw out of the Treaſury 2000l. for Indian affairs.

And be it further enacted, That it ſhall be lawful for the perſon adminiſtering the government of this State for the time being, to draw out of the treaſury ſuch ſum of money as ſhall be neceſſary to defray the expences incurred on account of the Mohawk and other Indians who have attended the Legiſlature during their preſent ſeſſion, and alſo ſuch further ſums not exceeding in the whole the ſum of two thouſand pounds, as he ſhall judge neceſſary, to defray the expence of holding a treaty with the Indians now in the city of New-York, being a deputation from the Indians uſually diſtinguiſhed as the St. Regis Indians, if he ſhall judge it proper to hold ſuch treaty, comprehending the compenſation to the commiſſioner or commiſſioners holding ſuch treaty under the authority of the United States, and which may be held in conſequence of an application from the perſon adminiſtering the government of this State for the time being, if he ſhall judge ſuch commiſſioner or commiſſioners neceſſary for holding ſuch treaty, and comprehending alſo ſuch compenſation as the commiſſioners ſhall think fit to allow in full extinguiſhment of the claim of the ſaid Indians by annuity or otherwiſe.

Treaſurer to pay 750l. yearly to truſtees of Columbia College, for two years longer than by a former act he is directed to pay the ſame.

And be it further enacted, That the Treaſurer ſhall, after the expiration of the time limited in the third clauſe in the act entitled, "An act to encourage literature by donations to Columbia College, and to the ſeveral academies in this State," continue to pay, for the further term of two years, to the Truſtees of Columbia College, or their order, the ſum of ſeven hundred and fifty pounds, to be applied agreeably to the directions of the ſaid third ſection of the ſaid act.

Treaſurer of the New-York hoſpital 1000l. annually for 4 years.

And be it further enacted, That it ſhall and may be lawful for the Treaſurer of this State, and he is hereby required, to pay unto the Treaſurer for the time being of the ſociety of the hoſpital in the city of New-York, for the uſe of the ſaid Corporation, the ſum of one thouſand pounds annually for the term of four years, in addition to the ſum directed annually to be paid to the treaſurer of the ſaid ſociety for the term of five years in and by the act entitled, "An act for the better ſupport of the public hoſpital in the city of New-York," the firſt annual payment of the ſaid ſum of one thouſand pounds to be immediately advanced by the Treaſurer of this State, to enable the ſaid ſociety to diſcharge their debts, and make neceſſary repairs to the ſaid hoſpital.

Truſtees of Union College 4000l.

And be it further enacted, That the Treaſurer of this State be and he hereby is authorized and directed to pay out of any monies in the treaſury not otherwiſe appropri-

ated, to the truſtees of Union College, or to their order, the ſum of four thouſand pounds, to be expended by them in erecting ſuch buildings as in their opinion are neceſſary for the uſe of the ſaid College, for which the ſaid truſtees ſhall account with the auditor of this State.

Commiſſioners of fortifications the ſum of 5000l. for repairing the works on Governors iſland.

And be it further enacted, That it ſhall be lawful for the Treaſurer of this State, and he is hereby required to pay to the commiſſioners appointed by the ſecond ſection of the act entitled, "An act authorizing the erecting of fortifications within this State," upon a warrant of the perſon adminiſtering the government of this State for the time being, a ſum not exceeding five thouſand pounds, out of any monies in the treaſury not otherwiſe appropriated, to be by the ſaid commiſſioners laid out and expended for keeping in repair the fortifications on Governors Iſland, Bedlow's Iſland and Oyſter Iſland, and for ſecuring ſuch part thereof as are in danger of falling for want of further improvements.

Governor a ſum not exceeding 300l. to defray the charges of adminiſtering the government.

And be it further enacted, That it ſhall be lawful for the Treaſurer to pay to the perſon adminiſtering the government of this State for the time being, to defray the immediate charges which may ariſe in and about the adminiſtering the government of this State, ſuch ſum or ſums as he ſhall from time to time by warrant under his hand and the privy ſeal of the State require, not exceeding in the whole the ſum of three hundred pounds.

Council employed to examine certain ſuits brought for dower ſuch ſums as the Governor ſhall draw for by warrant.

And be it further enacted, That the Treaſurer ſhall pay to the council employed by his Excellency the Governor, to examine the caſes in which ſuits for the recovery of dower have been brought by Sarah Wallace and Eva White ſuch ſum as the perſon adminiſtering the government of this State ſhall by warrant direct for their fees and ſervices in the ſaid buſineſs.

John Morton, State Printer, the amount of his account when audited.

And be it further enacted, That the Treaſurer ſhall and he is hereby directed to pay to John Morton, printer to this State, ſuch ſums of money as ſhall be certified by the auditor to be due to him for printing the laws and journals of the preſent ſeſſion of the Legiſlature, and other printing buſineſs that ſhall appear to be done by the ſaid John Morton, agreeable to and in purſuance of the joint reſolution of the Legiſlature of the 20th of January laſt.

The act for electing Repreſentatives in Congreſs continued in force.

And be it further enacted, That the act entitled, "An act for electing Repreſentatives for this State in the Houſe of Repreſentatives of the Congreſs of the United States of America," paſſed the eighteenth day of December, one thouſand ſeven hundred and ninety two, ſhall be and the ſame is hereby continued in full force until the firſt day of March next, any limitation in the ſaid act to the contrary notwithſtanding.

CHAP. LVIII.

An ACT *for the relief of William Willinck, Nicholaas Van Staphorſt, Chriſtian Van Eeghen, Hendrick Vollenhoven, Rutger Jan Schimmelpenninck and Pieter Staadnitski, being aliens.*

Paſſed 11th April, 1796.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall be lawful for the perſons by whom the

lands for the purchaſe of which Wilhem Willinck, Nicholaas Van Staphorſt, Chriſtian Van Eeghen, Hendrick Vollenhoven, Rutger Jan Schimmelpenninck and Pieter Stadnitski, being aliens, have already contracted and paid are now held to hold the ſame in fee ſimple as truſtees for the ſaid ſix perſons above named, their heirs and deviſees, and the heirs and deviſees of heirs and deviſees without limitation as to the number of deſcents or deviſees in ſucceſſion, although the ſaid ſix perſons above named and ſuch heirs and deviſees may be aliens, and the law of this ſtate whereby aliens are diſabled from taking and hold lands to their own uſe notwithſtanding. And to the end, that the lands herein intended may be known and aſcertained,

Be it further enacted, That the perſons ſo holding as truſtees ſhall execute declarations in writing to be acknowledged or proved, and thereupon to be recorded in the office of the Secretary of this ſtate within one year after the paſſing of this act, ſpecifying the lands held by them as truſtees of the ſaid ſix perſons above named, and the lands to be ſpecified in ſuch declarations ſhall be deemed to be the lands for the purchaſe of which the ſaid ſix perſons above named have already contracted and paid, and which the perſons executing ſuch declarations are hereby enabled to hold in truſt as aforeſaid, and ſuch truſtees ſhall alſo at the time of executing ſuch declarations make oath that no other lands are deſcribed in the ſaid declarations reſpectively than ſuch as were conveyed to them the ſaid truſtees, and were to the beſt of their knowledge and belief contracted and paid for by the ſaid perſons for whom they are ſo truſtees before the paſſing of this act, and if ſuch declarations ſhall not be ſo recorded within the time for that purpoſe above limitted that then this act ſhall be thenceforth void.

And be it further enacted, That whenever any perſon holding the ſaid lands in truſt as aforeſaid ſhall be minded to be diſcharged from the truſt, or whenever the perſons for whom the ſaid lands ſhall be ſo held in truſt ſhall be minded to change the truſtees or any of them then in ſuch caſe and as often as the ſame ſhall from time to time happen it ſhall be lawful for the truſtees ſo to be diſcharged or ſo to be changed to convey over in fee ſimple the lands ſo held by them in truſt to new truſtees to be alſo citizens of the United States and to be nominated for the purpoſe by the perſons for whom the lands ſhall at the time be ſo held in truſt. But in as much as the intent of this act is only to allow to the ſaid ſix perſons above named their heirs and deviſees in ſucceſſion as above mentioned if they ſhall not in the mean time themſelves become citizens of the United States a reaſonable time to ſell the ſaid lands to citizens of the United States and to provide a mean whereby a title may be made to the vendees free from the plea or pretence, of alieniſm in the vendors: Therefore,

Be it further enacted, and it is hereby expreſſy declared and provided, That ſuch of the ſaid lands or rents iſſuing out of the ſame as ſhall after the expiration of ſeven years from the paſſing of this act be held in truſt for the ſaid ſix perſons or their legal repreſentatives aliens, ſhall be forfeited to and veſted in the people of this ſtate as lands held by aliens or to the uſe of aliens in like manner as if this act had never paſſed, any thing herein contained notwithſtanding.

CHAP. LIX.

An ACT *for the relief of Clara Service and others.*

Paſſed 11th April, 1796.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the treaſurer of this ſtate ſhall and he is

hereby directed to pay to Clara Service or her legal repreſentative which ſaid Clara is the widow of Chriſtopher Service, deceaſed, whoſe eſtate became forfeited to the people of this ſtate the ſum of one hundred and thirty four pounds fourteen ſhillings. To Sarah Wallace the widow of Hugh Wallace, deceaſed, whoſe eſtate became forfeited to the people of this ſtate the ſum of four thouſand pounds. To Eva White the Widow of Henry White, deceaſed, whoſe eſtate became forfeited to the people of this ſtate the ſum of eleven hundred pounds. To Mary Lent the widow of Peter Lent deceaſed, whoſe eſtate became forfeited to the people of this ſtate the ſum of one hundred and fifty five pounds. To Amy Lewis the widow of Benjamin Lewis, deceaſed whoſe eſtate became forfeited to the people of this ſtate the ſum of one hundred and nine pounds. To Phila Delancey the widow of Oliver Delancey, deceaſed, whoſe eſtate became forfeited to the people of this ſtate the ſum of one thouſand pounds. To Curtis Hard and Sarah his wife who was the widow of Benjamin French, deceaſed, whoſe eſtate became forfeited to the people of this ſtate the ſum of four hundred pounds. To Ruth Hawley the widow of Ezekiel Hawley, deceaſed, whoſe eſtate became forfeited to the people of this ſtate the ſum of thirty pounds for their rights of Dower in the lands and tenements whereof their reſpective husbands were ſeized within this ſtate upon their reſpectively executing and delivering to the treaſurer a releaſe of their dower and right of dower reſpectively of and in the ſaid lands and tenements to the people of this ſtate and to the perſons reſpectively holding the ſame lands and tenements.

Provided always, That if the ſaid Sarah Wallace and Eva White, or either of them ſhall not by herſelf or her attorney within ſix weeks after the paſſing of this act accept the ſums above directed to be paid to them reſpectively and execute and deliver to the treaſurer ſuch releaſe as aforeſaid, then and from thenceforth this act ſhall become void as to her or them ſo refuſing or neglecting, and the treaſurer is hereby directed immediately thereafter to give notice thereof to the perſon adminiſtering the government of this ſtate for the time being who is hereby requeſted thereupon to direct the counſel already employed in behalf of this ſtate reſpecting the ſuits brought by the ſaid Sarah Wallace and Eva White for the recovery of dower to take ſuch meaſures and to inſtitute ſuch ſuit or ſuits as may in their opinion be neceſſary or proper to have the claim or claims of her or them ſo refuſing or neglecting judicially determined and the treaſurer is hereby directed to pay to ſuch counſel ſuch ſum or ſums of money for the purpoſe aforeſaid as the perſon adminiſtering the government of this ſtate for the time being ſhall from time to time by his warrant direct, not exceeding in the whole the ſum of one thouſand pounds.

CHAP. LX.

An ACT *to enable certain perſons therein named to take and hold real eſtates within this State.* Paſſed 11th April, 1796.

BE *it enacted by the People of the State of New-York repreſented in Senate and Aſſembly*, That it ſhall and may be lawful for Allexander Murray, Allexander Murray jun. Jean Da Sylva, Gatian Liger, Pierre Daniel Bidetrenoulleau, Robert Givan, James Somerville, Thomas Davis, Arnold Romberg, Jaſper Parſon, John Joſeph Marcel Lenormand, James Auguſtus Simmond, Robert Mattocks, John Boorman Renee, Benjamin Rouer, John Chriſtian Kohlwagen, George Bolland, Nicholas Olivie and Marie Fran-

cois Marſhal Olivie his wife, Louis Simond and Francis Simond his wife, Charles Northbrook, Evan M'Pherſon, Robert M'Bride, William M'Bride, James M'Bride, Jame Linacre, William Ottewell, Gerret Graba, Peter Alexander Deleſſert, James Caſſady, John I. Werth, George Leſlie, Roger Alden Hiern, Henery Miller, Hugh Gibſon, James Thompſon, Nicholas Matheau Delonquemare, Alexander Delannoy, Armond Du Columbier, Peter Anthony Blenon, Armond Valadon, Phillipee Sebaſtian Chriſtophe, James Maires, James Evans, William Cleneghan, Frederic Klein, John Waugh, Thomas Chapman, German Arden, John Bu Dulſre, John C. Jean Rouvellet, Philip Belin, Pierre Maurce, Pierre Lereſgue Taruerro, James Fenn, David King, Benjamin Laws and William Hamilton, ſeverally to take and hold by purchaſe land, tenements and hereditaments within this ſtate reſpectively to have and hold the ſame to them and to their heirs and aſſigns forever reſpectively as fully to all intents and purpoſes as any natural born citizen do or can do, any law uſage or cuſtom to the contrary notwithſtanding.

And be it further enacted, That no lands, tenements or hereditaments heretofore purchaſed by any of the perſons herein before named ſhall eſcheat or become forfeited to the people of this ſtate by reaſon or on account of ſuch perſons then being aliens; but all ſuch lands, tenements and hereditaments ſhall be underſtood as having veſted in ſuch purchaſer or purchaſers, any law to the contrary thereof notwithſtanding. *Provided always*, That no alienation of any land purchaſed or to be purchaſed or held by virtue of this act ſhall be good and effectual in law other than to a citizen or citizens of the United States.

CHAP. LXI.

An ACT *for loaning money to the Directors of the Weſtern Inland Lock Navigation Company in this State, and for other purpoſes therein mentioned.* Paſſed 11th April, 1796.

WHEREAS the directors of the Weſtern Inland Lock Navigation Company in this State have repreſented to the Legiſlature, that they have determined in the preſent year to connect the waters of the Mohawk river with thoſe of Wood Creek by means of a canal and locks, and to proſecute other important improvements in the internal navigation; but by reaſon that ſeveral of the ſtockholders are not in condition immediately to furniſh their proportion of ſums adequate for the purpoſe, have therefore reſpectfully intreated the aid of the Legiſlature in the premiſes. To the end therefore that improvements ſo important to the intereſt of the community may be accelerated,

BE *it enacted by the People of the State of New-York repreſented in Senate and Aſſembly*, That the treaſurer ſhall be and he is hereby directed to advance unto the ſaid directors or to their order the ſum of fifteen thouſand pounds out of any monies in the treaſury unappropriated, and for ſecuring the repayment thereof into the treaſury he ſhall take a bond and mortgage upon the real eſtate of the ſaid Company at the Little Falls on the Mohawk River executed under the ſeal of the ſaid company, and counterſigned by the preſident thereof, conditioned for the repayment of the ſaid ſum of fifteen thouſand pounds on or before the firſt day of January, which will be in the year of our Lord one thouſand, eight hundred and three; which mortgage after having been duly proved or acknowledged ſhall be recorded in the

office of the Secretary of this ſtate, ſhall be of the ſame force and effect in the law as if the ſame were recorded in the county or counties where the lands ſo mortgaged do lie. And on the further condition that an intereſt of ſix per cent per annum on the ſaid ſum ſhall be annually paid into the treaſury of this ſtate until the compleat repayment of the ſaid principal ſum ſhall be effected in manner aforeſaid.

And be it further enacted, That it ſhall and may be lawful to and for the perſon adminiſtering the government of this ſtate for the time being to direct the keeper of the military ſtores belonging to this ſtate to deliver to the order of the ſaid directors ſuch quantity of powder as he may think proper not exceeding one ton and an half. *Provided*, That previous to ſuch delivery the ſaid directors or ſome perſon on their behalf ſhall give ſufficient ſecurity to the people of this ſtate, to be approved of by the perſon adminiſtering the government to return the like quantity of powder and of equal quality to the ſtate when required and depoſit ſuch ſecurity with the treaſurer of this ſtate.

CHAP. LXII.

An ACT *appropriating Monies for Roads in the County of Onondaga and for other purpoſes therein mentioned.*

Paſſed 11th April, 1796.

WHEREAS the ſurplus money ariſing from the ſale of ſuch parts of the lots in the towns in the county of Onondaga as were aſſigned to defray the expence of ſurveys in the ſaid towns was by law appropriated for making and repairing the highways in the ſaid towns, and it being proper that part of the reſidue of ſuch ſurplus remaining in the treaſury of this ſtate ſhould be now applied as originally intended: Therefore,

Seth Phelps and two others appointed commiſſioners for repairing highways.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That Seth Phelps, William Stevens and Comfort Tyler ſhall be and hereby are appointed commiſſioners to make and repair the highways in the county of Onondaga already laid out or which may be laid out therein and to defray the expence thereof out of the monies by this act directed to be paid to them.

And the Treaſurer of the State to pay them 4000 dollars part of ſuch ſurplus money.

And be it further enacted, That it ſhall and may be lawful to and for the Treaſurer of this State to pay unto the ſaid commiſſioners, or to the order of any two of them, the ſum of four thouſand dollars, being part of the reſidue of the ſurplus money aforeſaid. *Provided*, That previous to ſuch payment, the ſaid commiſſioners ſhall in due form of law execute a bond to the people of this State in double the ſum aforeſaid, conditioned for the due, punctual, and impartial diſcharge of the duties enjoined them by this act, and ſhall deliver ſuch bond to the ſaid Treaſurer.

Commiſſioners directed on what roads to expend ſaid money.

And be it further enacted, That the ſaid commiſſioners ſhall and they are hereby ſtrictly enjoined to expend two thouſand dollars of the ſaid monies in repairing the highway and bridges thereon heretofore directed to be laid out by law, and now commonly called the Great Geneſee road, from the eaſtern to the weſtern bounds of the ſaid county of Onondaga, and the reſidue of the money aforeſaid to expend in the repair of ſuch highways and the bridges thereon in the ſaid county, as will tend moſt extenſively to benefit and accommodate the inhabitants thereof.

How bridges are to be built and the roads made.

And be it further enacted, That it ſhall be the duty of the ſaid commiſſioners, and they are hereby ſtrictly enjoined, to cauſe all and every bridge which ſhall be conſtructed under their direction over any ſtream to be raiſed at leaſt three feet above the water at its uſual greateſt *height* in the wetteſt ſeaſon of the year, and to conſtruct every ſuch bridge of the moſt durable and largeſt timber which can be obtained in its vicinity, and that wherever it can conveniently be done, the road ſhall be raiſed in the middle, ſo as to enable the water falling thereon freely to diſcharge therefrom, and ſhall purſue every other meaſure which in their opinion will beſt benefit the public in the expenditure of the money committed to them.

And be it further enacted, That the ſaid commiſſioners, previous to receiving the money aforeſaid, or executing any of the duties enjoined them by this act, other than executing and delivering the bond aforeſaid, ſhall ſeverally make oath before one of the judges of the ſaid county of Onondaga, honeſtly, faithfully, and impartially to diſcharge the duties enjoined by this act, and render true, fair, and correct accounts of all expenditures in the premiſes to the auditor of this State.

Commiſſioners to repair to the roads, and examine them, and apportion the ſuperintendance of repairing them.

And be it further enacted, That the ſaid commiſſioners ſhall, as ſoon as may be, convene and then determine on which highways beſides the ſaid Geneſee Road it will be proper to expend the money intruſted to their diſpoſition, and having ſo determined, ſhall jointly repair to and examine each ſuch highway and the bridges thereon, and having made ſuch examination ſhall aſſign ſuch a portion of the ſaid money to each as they or any two of them in their diſcretion ſhall deem meet and proper, and ſhall appoint one of themſelves to ſuperintend the repairing the ſaid Geneſee highway and the bridges thereon, and one other of themſelves to ſuperintend the repairing one or more of the other highways on which part of the ſaid money is to be expended and the reſidue of the ſaid highways to the other of the ſaid commiſſioners.

And be it further enacted, That it ſhall and may be lawful to and for the ſaid commiſſioners ſeverally to retain out of the monies which may come into his hands two dollars per day for each day which he ſhall be actually employed in ſuch examination and ſuperintendance as aforeſaid.

Treaſurer to pay Jacobus Van Schoonhoven 312l. the ſum expended in removing a certain rocky precipice, at a bridge below the Cohoes falls.

And be it further enacted, That it ſhall and may be lawful for the Treaſurer of this State to pay unto Jacobus Van Schoonhoven the ſum of three hundred and twelve pounds for the reimburſements of the like ſum expended by him and others in removing the rocky precipice on the eaſt ſide of the bridge over the Mohawk river below the Cohoes Falls. *Provided*, That he the ſaid Jacobus Van Schoonhoven ſhall previous to the receipt thereof exhibit an account of the expenditure of the ſaid ſum to the auditor of this State, and produce a certificate from the ſaid auditor that the money has been ſatisfactorily accounted for.

WHEREAS there is a vacancy of two of the commiſſioners appointed to ſuperintend the laying out the Great Geneſee Road from Old Fort Schuyler, in the county of Herkemer: Therefore,

Two commiſſioners appointed to ſuperintend the laying out the Great Geneſee Road.

Be it further enacted, That Amos Hall and Samuel Chipman ſhall be and hereby are appointed commiſſioners in lieu of the late Iſrael Chapin and Othniel Taylor, who are in conjunction with Michael Myers, ſhall be commiſſioners

for the said highway with all and singular the powers by law conferred on the former commissioners.

CHAP. LXIII.

An ACT *to confirm the Partition of a Tract of Land granted to George Klock and others.* Passed 11th April, 1796.

WHEREAS Christian Nellis and others, by their petition, presented to the Legislature at their last session did set forth that a certain tract of land lying in the county of Montgomery, granted by letters patent on the twenty first day of December, one thousand seven hundred and fifty-four, unto George Klock, William Nellis, and fourteen other persons, had been divided among the patentees and other partners, and their representatives, which partition was ineffectual by reason that the patentees did not sign releases thereupon.

And whereas the Legislature, at their said last session, did direct a copy of the said petition, and a description of the bounds of the tract so alluded to, and a copy of the said resolution, to be published as therein is directed.

And whereas it appears that the directions contained in the said resolution have been observed and complied with, and no cause has been shewn why a law for the purpose aforesaid should not be passed: Therefore,

Be it enacted by the people of the State of New-York, represented in Senate and Assembly, That the said division and partition made of the said tract be and the same is hereby ratified and confirmed, and the same shall be deemed and taken as valid and effectual from the time of making thereof.

CHAP. LXIV.

An ACT *authorizing the Mayor, Aldermen, and Commonalty of the City of Albany, to raise a Sum by Tax for defraying the Expence of lighting the Lamps, and for the Support of a Night-Watch in the said City.* Passed 11th April, 1796.

WHEREAS the Mayor, Aldermen, and Commonalty of the city of Albany, have by their petition requested a law authorizing them to raise the sum of eight hundred pounds for the defraying the expence of lighting the lamps, and for the support of a night-watch in the said city: Therefore,

Be it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful to and for the said Mayor, Aldermen and Commonalty, in Common Council convened, as soon as conveniently may be after the passing of this act, to order the raising a sum not exceeding eight hundred pounds by a tax on the estates real and personal of all and every the freeholders and inhabitants within the said city, residing within half a mile westward of Hudson's river, to be applied to the payment of so many watchmen as the said Mayor, Aldermen and Commonalty, have employed, or shall think necessary to employ for guarding the said city for one year, and for defraying the expence for one year of lighting the lamps that now are or within the period aforesaid may be erected within the said city, which said sum shall be rated and assessed by the assessors of the said city for the time being, and levied and collected in the same manner as hath heretofore been accustomed within the said city for levying and collecting the tax for the maintenance of the poor and other contingent charges within the said city, and that the tax shall be paid into the hands of the chamberlain of the said city for the time being, to be applied and disposed of from time to time in such manner for the purposes herein before

mentioned, as the said Mayor, Aldermen, and Commonalty of the said city, in common council convened, shall direct and appoint.

And be it further enacted, That the Chamberlain of the said city for the time being, shall yearly, on the second Tuesday of October, in every year publish a state of all monies received and expended by him for the use of the said city, and of the particular sums, and to what purposes applied in one or more of the public news-papers printed in the said city of Albany.

CHAP. LXV.

An ACT *for the Relief of Hugh M'Cauley.*

Passed 11th April, 1796.

WHEREAS it is represented to the Legislature that Hugh M'Cauley contracted with the Commissioners of the Land Office for two hundred acres of land in the county of Washington, and the description of the land mentioned in the said contract being inaccurate, the Surveyor General has not laid out the said two hundred acres exactly conformable to such description: Therefore,

Be it enacted by the People of the State of New-York represented in Senate and Assembly, That it shall and may be lawful for the Commissioners of the Land-Office to issue letters patent to the said Hugh M'Cauley, for the said quantity of two hundred acres of land so surveyed as aforesaid, at the price contracted for by and between the Commissioners of the Land-Office of the one part, and the said Hugh M'Cauley of the other part. *Provided*, That it shall appear to the satisfaction of the said Commissioners that the lands so surveyed have not already been granted, and in case the same have been granted, that it shall and may be lawful for the said Commissioners to make compensation to the said Hugh M'Cauley, out of other vacant unappropriated lands in the Eastern district of this State.

CHAP. LXVI.

An ACT *to amend an act entitled*, "*An act for the regulation of Pilots and pilotage for the port of New-York*," *and for other purposes therein mentioned.*

Passed the 11th of April, 1796.

BE *it enacted by the People of the State of New York, represented in Senate and Assembly*, That it shall and may be lawful for every pilot commissioned and appointed as is directed in an by the act entitled, "An act for the regulation of pilots and pilotage for the port of New-York and for other purposes therein mentioned," to ask demand and receive of and from any person or persons who shall employ him to pilot any ship or other vessel from the eastward or southward of the outer middle ground bar or east bank to the port of New-York, or from the port of New York to the eastward or southward of the said outward middle ground or east bank so far that such vessel may safely proceed to sea, pilotage at the rate of ten shillings for every foot of water such ship or other vessel shall draw: *Provided*, That no more than half pilotage at the rate aforesaid shall be demanded or received by any such pilot, who shall to the westward of the said outer middle ground or east bank take charge of any ship or other vessel coming in the port of New-York. And *Provided also*, that no pilotage what soever shall be demanded or received by any such pilot for any ship or other vessel coming into the said port of New-York, unless such pilot shall take charge of such ship or vessel to the south of the upper middle.

And be it further enacted, That between the first day of December and

the fifteenth day of March inclusive in any year, every pilot commissioned as aforesaid may demand and receive the additional sum of thirty-two shillings for any ship or other vessel drawing ten feet water and upwards, and for every ship or other vessel drawing less than ten feet water the additional sum of sixteen shillings.

And be it further enacted, That for every day which every pilot commissioned as aforesaid shall be required to remain or be detained on board any ship or other vessel by the master thereof waiting for a fair wind or otherwise, such pilot is hereby authorized to ask demand and receive the sum of twelve shillings.

And be it further enacted, That any boat which shall after the passing of this act be used as a pilot boat (excepting those which are now in use) shall not exceed in the length of keel including the whole length of the dwarf thir-tysix feet.

And be it further enacted, That the fourth section of the act entitled, "An act for the regulation of pilots and pilotage for the port of New-York, and for other purposes therein mentioned," and the act entitled, "An act to amend the act for the regulation of pilots and pilotage for the port of New York, and for other purposes therein mentioned," except so far as relates to the extra duty allowed by the last recited act upon foreign bottoms, be and the same are repealed.

And be it further enacted, That this act shall continue and be in force until the twenty fifth day of March, one thousand seven hundred and ninety eight, and no longer.

CHAP. LXVII.

An ACT *for the Relief of Peter Fauchier.* Passed 11th April, 1796.

BE *it enacted by the people of the state of New-York represented in Senate and Assembly*, That it shall and may be lawful for the treasurer of this state out of any monies in the treasury unappropriated, to pay unto Peter Fauchier the sum of eighty-eight pounds sixteen shillings, in full compensation for certain certificates paid into the Treasury of this state, on the eleventh of November, one thousand seven hundred and eighty four, by the said Peter Fauchier, for the discharge of a bond supposed to have been given by the said Peter Fauchier to Colonel Frederick Philips, whose estate was forfeited to the people of this state, but which proved to be a bond given to the said Frederick Philips and others as executors to Charles Williams, deceased and therefore not affected by the attainder of the said Frederick Philips.

CHAP. LXVIII.

An ACT *to amend the Act entitled An Act to organize the Militia of this State.* Passed 11th April, 1796.

WHEREAS it would greatly tend to the improvement and efficiency of the militia of this state to have their companies of grenadiers, light infantry, artillery, and rifle men complete in uniform, equipments and discipline: For the encouragement of which,

BE *it enacted by the People of the State of New York, represented in Senate and Assembly*, That any non-commissioned officer or private of any company of grenadiers, light infantry, artillery and riflemen of the militia of this state who shall produce a certificate dated within three months of the then present time, signed by the captain or commanding officer of such company and counter-signed by the commandant of the regiment or brigade to which

Any person producing a certificate from the Captain of the Company of grenadiers, light infantry, artillery or riflemen, that he belongs to such company to be excused from serving on any jury.

ſuch company belongs, that he belongs to ſuch a company ſhall not be compelled to ſerve on any grand or petit jury within this ſtate.

And whereas, doubts do exiſt whether the commander in chief of the militia of this ſtate is authorized by the firſt ſection of the act entitled "an act to organize the militia of this ſtate to arrange the companies of artillery and horſe into ſeparate regiments and brigades":

And whereas it is deemed expedient that the artillery, horſe and infantry ſhould be kept in diſtinct and ſeparate departments; Therefore,

Governor empowered to arrange the companies of artillery and horſe into regiments and brigades.

Be it further enacted, That the commander in chief of the militia of this State be and he is hereby authorized to arrange the whole of the companies of artillery and horſe within the diviſions reſpectively into regiments and brigades, in ſuch manner as he in his diſcretion ſhall from time to time deem meet and proper, which brigades, when formed, ſhall be under the command of the Major General.

And alſo to annex the artillery regiment in the city of New-York to a brigade.

And be it further enacted, That the regiment of artillery in the city and county of New-York ſhall in the diſcretion of the commander in chief be ſubject to be annexed to and compoſe part of a brigade, in manner contemplated by the preceding enacting clauſe, any thing in any former law to the contrary notwithſtanding.

Commander in chief to have three aids de camp.

And be it further enacted, That the commander in chief ſhall be entitled to appoint for himſelf three aids de camp, who ſhall have the rank of Lieutenant Colonels.

Each brigade inſpector to receive fifty dollars annually out of the fines.

And be it further enacted, That each brigade inſpector ſhall be entitled to receive fifty dollars per annum out of the fines collected within the brigade, to be paid by the perſon appointed to receive the fines within ſaid brigade by the brigadier-general upon the warrant of the brigadier-general for that purpoſe.

Collectors of the ſeveral wards and towns in this State when they have collected the exemption money &c.

And be it further enacted, That it ſhall be the duty of the collectors of the wards and towns within this State, when they have collected the exemption money of the perſons and in the manner deſcribed and directed in and by the ninth ſection of the act entitled, "An act to organize the militia of this State," inſtead of paying it to the city or county treaſurer, to pay it to the perſon appointed by the brigadier-general for the purpoſe of receiving all fines levied and collected within the limits of the brigade, who ſhall on or before the firſt Monday in March, in every year, pay the ſame to the brigadier-general, who ſhall cauſe the ſame to be equally diſtributed among all the captains or officers commanding companies of uniform troops within the limits of his brigade, to be by them applied reſpectively in furniſhing neceſſary equipments, muſic and cloathing for their reſpective companies.

And whereas great inconveniencies ariſe and have been experienced from the preſent mode of appointing boards of officers for the trial of delinquents in the militia and the mode of proceeding in the ſame: Therefore,

Regimental courts martial to be inſtituted for the trial of delinquents, &c.

Be it further enacted, That from and after the paſſing of this act it ſhall be the duty of the commandants of regiments to inſtitute regimental courts martial within their reſpective regiments as often as it ſhall be found neceſſary, who ſhall from time to time convene at ſuch place and at ſuch times as the commanding officer of the regiment ſhall direct to the preſident of each of which courts martial all returns of delinquents from the ſaid regiments ſhall be made, which preſident ſhall direct the delinquents on a day and at a place

certain to be ſummoned to appear before the ſaid court, and to ſhew cauſe why the fines incurred by them ſhould not be levied, and it ſhall be in the diſcretion of ſuch court to cauſe the fines to be levied in manner aforeſaid, either in the whole, or mitigated in their diſcretion or remitted, and for ſuch as the ſaid court ſhall direct to be levied warrants ſhall iſſue in manner as is directed in and by the act to organize the militia of this State.

How many officers a regimental court martial is to conſiſt, and each member to take an oath.

And be it further enacted, That a regimental court martial ſhall conſiſt of not leſs than three nor more than five commiſſioned officers the preſident of each court *martial* ſhall before the ſaid court proceeds on the duties aſſigned them adminiſter to each member, and each member is hereby directed to take the following oath.

YOU do ſwear that you will well and truly try and determine according to evidence the matter now depending between the people of the ſtate of New York and the perſon and perſons to be tried; and you do further ſwear that you will not upon any account at any time whatſoever diſcloſe or diſcover the vote or opinion of any particular member of the ſaid court unleſs required to give evidence thereof by a court of juſtice in a due courſe of law, which oath ſhall be taken by the preſident of each of the ſaid courts martial before he enters upon the duties of his office, for which purpoſe he ſhall appear before one of the juſtices of the peace of the ſaid county where he reſides, which juſtice is hereby required to adminiſter the aforeſaid oath to ſuch preſident without receiving any fee or reward for the ſame.

Powers of the Preſident of a court martial.

And be it further enacted, That the Preſident of each of the ſaid regimental courts martial ſhall have the like power as the preſident of a court martial has in and by the third ſection of the act herein before recited to be amended relative to ſending for witneſſes adminiſtering to them the uſual oath and the ſame penalty ſhall be incurred by witneſſes for their non-attendance.

Pay Maſter to whom he is to pay the fines collected from delinquents.

And be it further enacted, That all monies ariſing from fines on delinquents in a regiment when collected ſhall be paid to the paymaſter of the regiment to be by him paid to the perſon appointed by the brigadier general for the purpoſe of receiving all fines levied and collected within the limits of the brigade with whom it ſhall be the duty of ſuch paymaſter receiving ſuch fines once in every year to account for the ſame.

Ten ſhillings per day allowed out of the fines to the Preſident and members of a court martial.

And be it further enacted, That the Preſident and each member of the regimental court martial to be appointed as aforeſaid while on that duty ſhall retain out of the fines as aforeſaid the ſum of ten ſhillings per day if a ſufficiency ſhall be collected, and the Preſident of ſuch court is hereby authorized to make ſuch allowance to the non-commiſſioned officers attending the ſaid court as a compenſation for their ſervices as ſhall be reaſonable.

CHAP. LXIX.

An ACT *for the further Direction of the Commiſſioners of the Land Office and for other purpoſes therein mentioned.*

Paſſed 11th April, 1796.

WHEREAS in each of the towns in the tract commonly called the military tract one lot was reſerved for the ſupport of the goſpel and ſchools, one other lot for the promoting of literature and four other lots for certain purpoſes ſpecified in the act entitled, "An act to appropriate

the lands ſet apart to the uſe of the troops of the line of this ſtate lately ſerving in the army of the United-States and for other purpoſes therein mentioned," but as the lots for the two firſt above mentioned purpoſes have not been particularly deſignated: Therefore,

The manner in which two of the ſix lots are to be diſpoſed of pointed out.

Be it enacted by the People of the State of New York, repreſented in Senate and Aſſembly, That the Surveyor General ſhall and he is hereby directed without delay to certify to the ſupervisors of the county of Onondaga the numbers of the lots in each of the towns in the military tract which have been reſerved in conformity to the act laſt mentioned. And it ſhall and may be lawful for the ſaid ſupervisors, and they are hereby enjoined at their next annual meeting to deſignate which lot in each of the ſaid towns ſhall be appropriated to the ſupport of the goſpel and ſchools in the ſame town, and which lot in each of the ſaid owns ſhall be appropriated for promoting literature, and having ſo deſignated, ſhall cauſe three ſeparate liſts ſpecifying in each liſt the numbers of all the lots intended for the ſupport of the goſpel and ſchools, and the numbers of the lots intended for promoting literature, annexing to the number of each lot the town in which it is ſituate, and having ſubſcribed ſuch liſt with their hands, and affixed their ſeals, ſhall file one of them in the office of the clerk of the county of Onondaga, tranſmit one of them to the office of the Secretary of this State, to be filed in the ſaid offices reſpectively, there to remain as public records, and ſhall cauſe the third liſt to be delivered to the Surveyor General without delay; and the lots in each town deſignated on ſuch liſts as intended for the ſupport of the goſpel and ſchools, and the lots in each town deſignated on ſuch liſts as intended for promoting of literature ſhall thenceforth be and they are hereby appropriated for the purpoſes ſeverally aforeſaid.

And whereas the other four lots reſerved in each of the ſaid towns were intended to make up for certain deficiencies ſpecified in the act laſt aforeſaid, but no time being limited when ſuch deficiencies, if any there be, occaſioned by either of the cauſes in the ſaid act mentioned, ſhould be aſcertained: Therefore,

The other four lots of the ſaid ſix lots which were reſerved to make up certain deficiencies, how and in what manner to be granted.

Be it further enacted, That no deficiency in any of the lots in the ſaid military tract ſhall be compenſated unleſs the ſame exceeds fifty acres, nor ſhall any compenſation be made to any proprietor of any of the ſaid lots ſo deficient as aforeſaid, unleſs the proprietor thereof ſhall, on or before the firſt day of January, which will be in the year one thouſand ſeven hundred and ninety-eight, apply to the Surveyor General to have the ſame aſcertained, who on every ſuch application ſhall cauſe a ſurvey to be made of the premiſes by a ſurveyor thereunto by him deputized, who ſhall make return under oath, and every ſuch ſurvey ſhall be performed at the expence of the applicant, who ſhall previous thereto depoſit in the hands of the Surveyor General the ſum of twenty dollars for every lot to be ſurveyed, which money he ſhall apply to defray the charge and expence of ſuch ſurvey, and return the overplus, if any there be, to the perſon having depoſited the ſame. And to the end that adequate notice may be given to all perſons claiming ſuch compenſation as aforeſaid, the Surveyor General is hereby enjoined to cauſe this ſection of this act to be publiſhed for three months in the preſent year, and for a like term in the next year, in the newſpaper printed by the printer of this State.

And when the Surveyor General has determined, that any such deficiency is to be made up how the land is to be laid out.

And be it further enacted, That when the Surveyor General shall have ascertained that any person is entitled to compensation, in conformity to the next preceding section of this act, whether such compensation arises from the deficiency or otherwise in one or more lots, he shall lay out the compensation out of any of the reserved lots and in squares, or as nearly so as local circumstances will permit, and shall certify to the commissioners aforesaid on what lot or lots the deficiencies have arisen, specifying the quantity in each, and which certificate shall contain such a description of the lands to be granted in compensation as that the same may be inserted in the letters patent for granting the same, and such certificate being filed in the office of the Secretary of this State, the said commissioners shall thereupon cause letters patent to pass to the person or persons entitled to such deficiency.

And to be certified to the land office who shall grant patents therefor.

Townships of Galen and Sterling to be surveyed as the other military towns have been.

And be it further enacted, That the townships of Galen and Sterling, part of the military tract, shall be surveyed and laid into lots in the manner the other townships in the said tract were by law directed to be laid into lots, but only one lot shall be reserved for the support of the gospel and schools, and be designated as such, and one other lot adjoining to the former for promoting literature, and designated as such, and the grantee of any lot in either of the said towns shall, previous to his obtaining a grant, pay into the treasury the sum of six dollars, in compensation of the expence of the survey thereof.

Commissioners to issue patents for lands sold by the Surveyor General in Onondaga county, upon certain conditions.

And be it further enacted, That it shall be lawful for the commissioners of the land office to cause letters patent to be issued to the purchasers of the lands in the county of Onondaga, sold by the Surveyor General, upon their paying the purchase money, with lawful interest from the time it ought to have been paid, at any time before the first day of January next; and in all cases where letters patent are to be issued for lands sold or located by any law of this State, it shall be lawful for the commissioners of the land office to cause the same to be issued in the name of the person entitled to the land thereby to be granted.

And whereas the making a map of this State, and of the bounds of the several counties and towns within the same, has heretofore been enjoined on the Surveyor General, but no adequate provision having been made in the premises: Therefore,

Supervisors and clerks of counties and towns to deliver Surveyor General all documents.

BE *it further enacted*, That the supervisors of the several counties within this state, the supervisor and clerk of each town thereof respectively, and the clerk of each county are hereby enjoined to deliver to the surveyor general or to his order all and every document other than such as may be filed therein, as records, and copies of such records in their respective possession relative to the bounds of the several counties and towns within this state to the end that he may be the better enabled to form and compleat such map, and if after having received such documents he shall deem it necessary to ascertain from actual survey the bounds of any and every county within this state he shall cause proper surveys thereof to be made at the expence of the people of this state.

And whereas it is represented that the surveyor general has been necessarily prevented from making certain returns of surveys of lands so that letters

patent for the ſame could not be obtained within the time limitted by law: Therefore,

Commiſſioners of Land office authoriſed to grant letters patent for all ſuch land before a certain other limitted day.

BE it further enacted, That it ſhall be lawful for the commiſſioners of the Land office at any time before the firſt day of March next, to grant letters patent for any lands for which they might have granted the ſame ſince the thirtieth day of March, one thouſand ſeven hundred and ninety five, and that the perſons entitled to the ſame be allowed at any time previouſly to perform the conditions reſpectively enjoined on them by law.

And be it further enacted, That in every caſe where a location has been made in virtue of any law of this ſtate and the perſon having made the ſame ſhall neglect to procure the title which the ſurveyor general is legally authorized to give him until the firſt day of March next, and alſo in every caſe where a location as aforeſaid ſhall hereafter be made and the perſon making the ſame ſhall neglect to procure the title as aforeſaid within one year thereafter, ſuch locations ſhall be null and void, and the perſon or perſons having made the ſame be debarred of the rights which they might have by virtue thereof.

And be it further enacted, That whenever it ſhall be neceſſary to authenticate by oath any buſineſs to be done by any perſon under the ſuperintendance or direction of the ſurveyor general, ſuch oath may be adminiſtered either by himſelf or by any public officer authorized to adminiſter oaths.

And be it further enacted, That the ſecond ſection of the act entitled "An act further to amend an act entitled an act for the ſpeedy ſale of the confiſcated and forfeited eſtates within this ſtate and for other purpoſes therein mentioned," ſhall be and hereby is repealed.

CHAP. LXX.

An ACT *for the Relief of the Examiner in Chancery.*

Paſſed 11th April, 1796.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That inſtead of the preſent allowance to the Examiner in Chancery for taking the examination of every deponent, he ſhall be entitled for taking the examination to one ſhilling and ſix pence for each ſheet containing ninety words, and for making a fair copy thereof for the witneſs to ſign nine pence for each ſheet containing ninety words, and for copies of all depoſitions and exhibits for parties nine pence for each ſheet containing ninety words.

And be it further enacted, That this act ſhall continue and be in force until the laſt day of February, which will be in the year of our Lord one thouſand, ſeven hundred and ninety-eight and no longer.

END OF THE LAWS OF THE NINETEENTH SESSION.

LAWS

OF THE

STATE OF NEW-YORK,

Paſſed at the TWENTIETH SESSION of the LEGISLATURE, begun at the CITY of NEW-YORK, and held by Adjournment at the CITY of ALBANY,

CHAP. I.

An ACT *concerning the Appointment and Election of the Charter Officers of the Cities of New-York, Albany, and Hudſon, and concerning the Mayor's Court of the City of New-York.*

Paſſed 3d January, 1797.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly,* and it is hereby enacted by the authority of the ſame, That it ſhall and may be lawful for the perſon adminiſtering the government of this ſtate, for the time being, by and with the advice and conſent of the Council of Appointment yearly and every year hereafter, to appoint the ſeveral Charter Officers in the reſpective Cities of New-York, Albany and Hudſon, who are to be annually ſo appointed, at any time during the ſeſſion of the Legiſlature in each year; and every ſuch preſent or future officer ſo appointed, ſhall hold his office for one year from the time of his appointment, and until another ſhall be appointed and ſworn in his ſtead, any law, charter, cuſtom or uſage to the contrary notwithſtanding.

Charter Officers appointable annually may be appointed at any time during the ſeſſion of the legiſlature.

And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for every perſon hereafter appointed Mayor of the City of New-York, at any time within twenty days after ſuch appointment, to take the oaths preſcribed by the Charter of the ſaid City, to be taken by every perſon appointed Mayor thereof, in the preſence of any three or more of the Aldermen of the ſaid City, before ſuch perſon or perſons as may be appointed by commiſſion, under the great ſeal of this ſtate, in the nature of a *dedimus poteſtatum*, to adminiſter the oaths required to be taken by perſons holding offices under this ſtate, in the City of New-York, any thing in the ſaid charter to the contrary notwithſtanding.

Mayor of the City of New York may qualify before any commiſſioner named.

And be it further enacted by the authority aforeſaid, That in caſe any perſon at any time hereafter elected to any office, in either of the ſaid cities, ſhall not be legally qualified to ſerve in ſuch office, then and in every ſuch caſe it ſhall be lawful for the Common Council of ſuch city as ſoon as they diſcover the ſame, to order a new election to be held

When any perſon elected to any office in either of ſaid cities is found not legally qualified to ſerve, the Common Council may order a new election.

for electing another perſon in the room of the perſon ſo unqualified, i the ſame manner as if the ſaid office had otherwiſe become vacant.

Corporation of New-York have repreſented certain alterations in their charter as expedient.

Whereas a repreſentation has been made to this Legi lature by the Mayor, Aldermen, and Common Council the city of New-York, under their corporate ſeal, th certain alterations in the charter of the ſaid corporati are expedient to remedy inconvenience ariſing from ſome of the provi ſions therein. For remedy whereof,

Mayor and Recorder of New-York empowered to hold the Court of Common Pleas without the preſence of any of the Alder-men.

Be it further enacted by the authority aforeſaid, That th Mayor and Recorder of the city of New-York, or eith of them for the time being, ſhall from time to time, a at all times hereafter, have power to hold the Court Common Pleas, called the Mayor's Court, of and in t ſaid city of New-York, without the preſence of any of the Aldermen the ſaid city, any law, charter, cuſtom or uſage to the contrary notwith ſtanding. But nothing herein contained ſhall be con ſtrued to prevent any of the Aldermen of the ſaid ci from ſitting as judges in the ſaid court.

Nothing in this act to prevent the Aldermen from ſitting as judges in ſaid Court.

And be it further enacted by the authority aforeſaid, That in the records judgments and other proceſs and proceedings in the ſaid Court of Com mon Pleas, called the Mayor's Court of and in the ſaid city of New-York after the firſt day of February next, inſtead of the words "Mayo Recorder and Aldermen of the City of New-York, or the ſame city," the words "judges of the ſame court, ſhall be inſerted. And from and after the ſaid firſt day February next, all writs and proceſs iſſuing out of or returnable into t ſame court, ſhall be made returnable "before the judges of the ſa court;" and all writs directed to the ſame court ſhall be directed to "t judges of the Court of Common Pleas, called the Mayor's Court in a for the city of New-York."

Certain alterations to be made in the form of proceedings.

CHAP. II.

An ACT *further to continue the Treaſurer of this State in Office.*

Paſſed 3d January, 1797.

BE *it enacted by the People of the State of New-York, repreſented in Sena and Aſſembly*, That Gerard Bancker ſhall be and hereby is continu in office as Treaſurer of this State, until ſixty days after the riſing of t Legiſlature at their next meeting, after the firſt day of July, which w be in the year of our Lord one thouſand ſeven hundred and ninety-eigh

And be it further enacted, That the ſaid Gerard Bancker, if he ſha take upon him the execution of the ſaid office, ſhall on or before t tenth day of January next appear before one of the juſtices of the S preme Court of this State, and take the following oath, "I Gera Bancker, appointed Treaſurer of the ſtate of New-York, do ſolemn and ſincerely ſwear and declare in the preſence of Almighty God, that will during my continuance in the ſaid office, well, faithfully and h neſtly, to the beſt of my knowledge and ability, execute all and eve of the duties appertaining to the ſaid office, and that I will not on a occaſion or pretence apply any money, ſecurities or other effects wh ſhall or may come to my hands, belonging to the ſaid ſtate, to any p vate uſes or purpoſes whatſoever; and that when my accounts as Tr

er ſhall be examined in manner directed by law, I will exhibit a true count of ſuch monies, ſecurities and other effects, under this my oath office. So help me God."

And be it further enacted, That the Speaker of the Aſſembly for the ne being, ſhall take a bond from the above named Gerard Bancker, or before the tenth day of January next, with not leſs than four ſuffi- ent ſureties to the people of this ſtate, in the ſum of twenty thouſand unds lawful money of this ſtate, with a condition that the ſaid Gerard ncker ſhall and will, well, faithfully and honeſtly execute and per- rm the duties of the ſaid office, which bond when ſo taken ſhall be dged in the Secretary's office of this ſtate.

And be it further enacted, That if the ſaid Gerard Bancker ſhall, upon e expiration of the time for which by this act he is continued in office, ocure and lodge in the office of the Secretary of this State, a certificate ly executed by the committee to be appointed for the ſettlement of the counts of the ſaid Gerard Bancker, expreſſing that his accounts as eaſurer are regularly ſtated and balanced; and alſo that the balance monies, ſecurities and other effects belonging to the ſtate, if any ere be, are actually in the treaſury, or depoſited as directed by law; ch certificate when lodged in the office of the Secretary of this State, aforeſaid, ſhall be to all intents and purpoſes a diſcharge of the bond rected by this act to be given by the treaſurer, with ſureties for the ithful performance of the duties of his office as aforeſaid.

CHAP. III.

An ACT *concerning Writs of Error.*

Paſſed 13th January, 1797.

E *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame*, That o writ of error ſhall hereafter be iſſued to remove any record from the upreme court into the court for the trial of impeachments and the cor- ction of errors, unleſs the party applying for ſuch writ ſhall produce nd deliver to the officer whoſe duty it is to iſſue or ſeal ſuch writ, a rtificate ſigned by a councellor at law in the Supreme Court of this ate, ſetting forth, that he has inſpected or examined ſuch record, and e proceedings in the cauſe, or copies thereof; and that in his opinion ere is error in ſubſtance therein: and if any officer ſhall iſſue or al any ſuch writ of error without ſuch certificate, he ſhall forfeit to the verſe party, one hundred pounds, to be recovered with coſts of ſuit in y court of record, by action of debt, bill, plaint or information, and all alſo upon conviction thereof forfeit and loſe his office.

CHAP. IV.

n ACT *anthorizing the Treaſurer of this State to receive the Principal and intereſt of the public Stock which he may hold in his Truſt for this State, as the ſame ſhall from time to time become due.*

Paſſed 13th January, 1797.

WHEREAS by the exiſting law, the Treaſurer is directed to receive the intereſt on ſuch ſtock as he may hold in truſt for this ſtate;

but no proviſion is made authoriſing him to receive the principal thereof as the ſame ſhall become payable; Therefore,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, That the Treaſurer of this ſtate, for the time being, ſhall be, and he hereby is authoriſed and required to receive as well the principal as the intereſt now due, and from time to time to become due, of all ſuch ſtock created under the laws of the United States, as he may hold in truſt for this ſtate, for the uſe of this ſtate.

CHAP. V.

An ACT *concerning the Aſſeſſment of Damages in certain Caſes, in Courts of Law.*

Paſſed 20th January, 1797.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame*, That from and after the firſt day of July next, when any interlocutory judgment ſhall be given in any court of law by default or upon demurrer, or confeſſion in any action upon any bill of exchange or promiſſory note for the payment of money, or upon any written contract, for a ſum certain, though payable in ſpecific articles, or upon a like contract for ſpecific articles at a value or price ſtipulated in the ſame contract or covenant, for the payment of money only, inſtead of awarding a writ of enquiry, the court ſhall direct the clerk of ſuch court if a court of common pleas, and if the ſupreme court, then the clerk of the ſaid ſupreme court or the clerk of the court of common pleas, of the county where the venue ſhall be laid, unleſs the venue ſhall be laid in the county where the ſupreme court ſhall ſit, then and in ſuch caſe, the clerk of the ſupreme court only, and it is hereby made the duty of ſuch clerks reſpectively to perform the ſervice, to examine, aſcertain and determine what ſum the plaintiff ought to recover for damages; and either party may except to ſuch report, and upon ſuch exception the court ſhall hear and examine the matter, and cauſe juſtice to be done to the parties, and ſhall give judgment for the plaintiff for the ſum ſo reported, or in caſe of exception to the report for the ſum ſo aſcertained by the court, and the judgment ſhall be entered on the record without entering thereon ſuch reference to the clerk or any of the proceedings in conſequence thereof, in the uſual form of entering judgments by confeſſion where the amount of the damages is confeſſed, except, that inſtead of the words "his damages aforeſaid above confeſſed," the following words ſhall be inſerted, that is to ſay, "his (or her or their) damages, by occaſion of the premiſes (to the ſum for which the judgment is given) by the court here aſſeſſed," or words of like import.

Form of proceedings after 1ſt July next, when interlocutory judgment is given by default, demurrer or confeſſion.

Either party may except to report of the clerk.

And be it further enacted by the authority aforeſaid, That from and after the ſaid firſt day of July next, when any plaintiff ſhall obtain judgment upon any bail bond, taken in any ſuch action as aforeſaid, or in any action of debt upon judgment or recognizance, or upon any ſpeciality or contract, for the payment of money only, unleſs the defendant in the original action ſhall appear and obtain leave to plead therein, the courts reſpectively as aforeſaid, ſhall direct

Clerks duty when plaintiff obtains judgment on bail bond.

e clerks reſpectively as aforeſaid; and it is hereby made the duty of ſuch erks reſpectively to perform the ſervice, to examine, aſcertain, and report the court, the amount of the debt or ſum of money due to the plaintiff in e original action, and either party may except to ſuch report, and upon ſuch exception the court ſhall hear and examine the matter, and cauſe juſtice to be done to the parties; and the plaintiff ſhall cauſe the ſum ſo reported or aſcertained, with the amount of the coſts in the original ſuit, and in e ſuit upon the bail-bond to be endorſed upon the execution to be iſſued on the judgment obtained on ſuch bail-bond, and may cauſe the ſame nd the poundage thereon and no more, to be levied by virtue thereof.

Either party may except to report of the clerks and proceedings upon ſuch report or exception.

And when any plaintiff ſhall obtain judgment upon any bail-bond taken in any other action, unleſs the defendant in the original action ſhall appear and obtain leave o plead therein, the court ſhall direct common bail to be filed for the efendant in ſuch original action, and order a judgment to be entered herein by default, and award a writ of enquiry thereupon. And upon e return of ſuch writ of enquiry, the plaintiff may cauſe the damages ound by the jury with the amount of the coſts in the original ſuit, and n the ſuit upon the bail-bond, and the poundage thereon and no more, o be levied on the judgment of ſuch bail-bond, and ſhall cauſe the ſame o be indorſed on the execution to be iſſued in the action on ſuch ail-bond.

Form of proceedings when plaintiff obtains judgment on bail bond.

And be it further enacted by the authority aforeſaid, That the clerks reſpectively aforeſaid, ſhall have one dollar for every ſuch report, and the attornies and witneſſes ſhall have the like fees for their attendance upon the clerk, for the urpoſe of making ſuch report as they are entitled to for attending upon e execution of a writ of enquiry, but no more than one attendance hall be allowed.

Compenſation to clerks, attornies and witneſſes.

And be it further enacted by the authority aforeſaid, That in thoſe caſes where the courts ſhall direct their clerks to examine, aſcertain and determine what ſum the plaintiff ought to recover for damages, it ſhall not be neceſſary at any time hereafter to prove the giving or executing any bill of exchange, promiſſory note, covenant or contract, "ſpecially and truly ſet forth in the plaintiff's declaration," but the production thereof to the clerk ſhall be ſufficient evidence of the giving or executing of the ſame.

What ſhall be conſidered as evidence in caſes where clerks are to determine the ſum plaintiff ought to recover for damages.

And be it further enacted by the authority aforeſaid, That in thoſe caſes where it ſhall be neceſſary to adduce evidence to the clerks they ſhall be and hereby are authorized to ſwear any witneſs or witneſſes, offered, and ſhall, if required by either of the parties at the time of taking the ſame, reduce the teſtimony to writing, and ſhall report the ſame to the court on being required.

Clerks to indorſe judgment.

And be it further enacted by the authority aforeſaid, That the clerks ſhall indorſe on ſuch note, bill or contract, that judgment hath been rendered thereon, and the amount of the damages aſcertained therein, and ſhall ſign their name thereto.

CHAP. VI.

An ACT *for the support of the St. Domingo French Refugees in the City of New-York.*

Passed 20th January, 1797.

BE *it enacted by the people of the State of New-York, represented in Senate and Assembly*, That a sum not exceeding twenty-five hundred dollars be, and the same is hereby appropriated to be paid by the treasurer of this state, out of any monies not otherwise appropriated in the treasury, for the support of such of the inhabitants of St. Domingo, resident in the city of New-York, as shall be found in want of such support.

2,500 dollars may be paid for inhabitants of St. Domingo.

And be it further enacted, That in order to secure the due application of the monies aforesaid, the same shall be placed under the direction of the person administering the government of this state, and it shall be lawful for him from time to time to draw the said monies or any part thereof from the treasury of this state, by warrant or warrants under his hand, and the privy seal of the said state, and to cause the distribution thereof to be made for the relief of the persons aforesaid, in such manner and by the hands of such persons as shall in his opinion appear most conducive to the humane purposes hereby intended.

Said monies subject to direction of the Governor.

And be it further enacted, That a regular statement of account shall be kept of the monies so expended, and that the same be reported to the legislature of this state at their next session, *Provided however*, That in case the French Republic or its Minister, or other authorised agent, shall afford support or *maintenance* for the said inhabitants of St. Domingo, now resident as aforesaid in the city of New York, that then and from thenceforth the provision herein contained shall cease and be void, and it is hereby declared that the aforegoing appropriation is made, in full confidence that all sums of money expended in and about the premises, shall be credited by the United States to this state, in case any provision is or shall be made by the Congress of the United States in similar cases.

CHAP. VII.

An ACT *to remove Doubts concerning the Courts of Common Pleas and General Session of the Peace in the County of Onondaga.*

Passed 20th January, 1797.

WHEREAS by the Act entitled "An Act relative to the Courts of Common Pleas and General Sessions of the Peace in the county of Onondaga," it appears to have been the intention of the legislature that the courts should adjourn to such places in the towns of Manlius and Scipio as the judges of such courts should in their discretion deem meet and proper; and doubts having arisen whether such adjournment to any house other than the house of Seth Phelps would not vitiate the proceedings of the court held at the house of John Richardson, in the town of Scipio, for the removal of which doubts and for further provision in the premises,

Process returnable, confirmed.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That all process made returnable in the said Court of Common Pleas, on the last Tuesday of September last, and all proceedings depending in the same Court, and the said Court of General sessions of the Peace then held at the house of the

ſaid John Richardſon, ſhall be and are hereby declared valid, and in no wiſe diſcontinued.

And be it further enacted, That the ſaid courts of common pleas and general ſeſſions of the peace, ſhall on the laſt Tueſday of January inſtant, be holden at ſuch place in the town of Manlius in the ſame county, as the ſame courts at their laſt ſeſſions adjourned to, and until further legiſlative proviſion be made in the premiſes, the future ſeſſions of the courts of common pleas, and general ſeſſions of the peace for the ſaid county of Onondaga, ſhall be held at the times and places following, that is to ſay; on the fourth Tueſday of May next, at ſuch place in the town of Scipio as the laſt September term of the ſame court was holden at; on the fourth Tueſday of September next, at the houſe of Andrew Dunlap, in the town of Ovid in the ſaid county; and on the fourth Tueſday of January, one thouſand ſeven hundred and ninety eight, at the houſe of Comfort Tyler, in the ſaid town of Manlius, and ſo in ſucceſſion thereafter at the times and places, and in the order above mentioned, any former act to the contrary notwithſtanding.

CHAP. VIII.

An ACT *concerning the Supreme Court.*

Paſſed 24th January, 1797.

BE *it enacted by the people of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame*, That from and after the term of January, in the preſent year, the ſupreme court of judicature of this ſtate, ſhall begin, ſit, and be held at the four ſeveral terms following, to wit, on the laſt Tueſday of July, and the third Tueſdays of January, April and October in every year; and that the ſaid ſeveral terms of the ſaid courts ſhall continue and be held from the times of their commencement every day, except Sunday, until and including Saturday in the next enſuing week; and that the term commencing on the laſt Tueſday of July ſhall be called July term, and ſhall be held in the city of New-York, and the term commencing on the third Tueſday of October ſhall be called October term, and ſhall be held in the ſaid city of New-York; and the term commencing on the third Tueſday of January ſhall be called January term, and ſhall be held in the city of Albany; and the term commencing on the third Tueſday of April ſhall be called April term, and be held in the ſaid city of Albany.

After January term in the preſent year, the terms of the ſupreme court when and where to be held, how to be called, and their continuance.

And be it further enacted by the authority aforeſaid, That there ſhall be in each of the ſaid terms two common days of return only, that is to ſay, the firſt day and the Tueſday in the next enſuing week of each term, but that the proceſs in proceedings by bill or otherwiſe except on original writs if iſſued in term, may be teſted any day in that term, and be made returnable on any day in the ſame term, or the next term, and if iſſued in the vacation, may be teſted on any day in the preceeding term, and be made returnable on any day in the next term.

When proceſs may be teſted and made returnable

And be it further enacted, by the authority aforeſaid, That all writs and proceſs to be iſſued from and after the expiration of October term in the preſent year, and

How writs and proceſs iſſued after October term ſhall be returnable.

returnable in the ſaid ſupreme court, ſhall be made returnable as follow
that is to ſay, " before our juſtices of our ſupreme court of judicature,
the city-hall of the city of New-York or city of Albany, as the caſe m
be, and proceedings in the ſaid court which have he
tofore been ſuppoſed to be before the people of t
ſtate, ſhall thereafter be before the juſtices of the peo
of the ſtate of New-York, of the ſupreme court of ju
cature of the ſame people.

Proceedings heretofore ſuppoſed to be before the people, to be thereafter before juſtices of the peace, etc.

And be it further enacted by the authority aforeſaid, Th
no iſſue in any civil cauſe ſhall hereafter be tried at t
bar of the ſaid ſupreme court without the leave of t
ſaid court for that purpoſe firſt had and obtained.

No iſſue in civil cauſes to be tried without leave of the court.

And be it further enacted by the authority aforeſaid, Th
from henceforth the chief juſtice of the ſaid court or
his abſence or default, any other judge of the ſaid co
ſhall or may at his diſcretion as a juſtice of *niſi prius*,
virtue of this act, and without any other commiſſion
the purpoſe in term time, or within twenty days, a
the end of every or any term in the city ha l of the city of New-Y
or in the city hall of the city of Albany, on ſuch days as the court
appoint, for the purpoſe, try all manner of iſſues joined or to be joi
in the ſaid court, or brought into the ſaid court to be tried, which
the ordinary courſe of the laws of this ſtate ought to be tried in the
court by a jury of the city and county of New-York, or by a jury of
city and county of Albany, upon the like proceſs and proceedings, a
in like manner as trials are had in the like caſes at the circuit court
and for the city and county of New-York, or city and county of Alba
and ſhall have power to take juries, award *tales de circumſtantibus*, rec
non-ſuits and take verdicts in like manner and form as is uſed at the
circuit courts, and that the ſheriff of the city and county of New-Y
for the time being, and the ſheriff of the city and county of Alba
or other proper officer to whom the ſame may by directed, ſhall m
return of all proceſs for ſummoning juries for the ſaid trials, before
ſaid chief juſtice or other judge as well for returning ſuch tales as
be prayed *de circumſtantibus*, for the trying of the ſaid iſſues, as for
doing and executing of all other things to the ſaid office of ſheriff,
ſuch caſe belonging and appertaining : and that all p
ſons who ſhall be impanneled upon ſuch juries, and
parties to the ſame iſſues and ſuits, and the witneſſes
the ſame ſhall be charged and bound in the ſame manner, and u
the like pains and penalties for their non-appearance and non-attenda
or for their or any of their miſdemeanor or default before the ſaid c
juſtice or other judge, as they ſhould have been if the ſaid iſſue had b
tried in the ſaid ſupreme court ; and that all t e ſeveral trials ſo to
had before the ſaid chief juſtice or other judge, ſhall ſtand and be as g
and available in law as if the ſame had been tried at a circuit court
in and for the city and county of New-York, or for the city and cou
of Albany ; and that the clerk of the ſupreme court
be conſidered as clerk of the court for the trial of the
iſſues, and that the ſaid chief juſtice or other judge
ſhall at any time hold the ſaid court for the trials of
ſaid iſſues, may continue the ſame from day to d
Sunday excepted, for as many days as he may th

Juries, parties and witneſſes reſponſible.

Clerk of Supreme Court to be clerk of the court for the trial of ſaid iſſues.

Judge may hold ſaid court as long as he may think neceſſary.

ecessary. *Provided always*, That the times of the said sittings in any term hall always be appointed in the next preceding term, and the times of he said sittings after any term shall always be appointed in the next preceding term but one.

n act and a section f an act repealed om and after 2d pril next.

And be it further enacted by the authority aforesaid, That the act entitled "An act to appoint the place of holding the supreme court of judicature of this state in future, and to prolong the terms thereof, and for other purposes therein mentioned," and the third section of the act entitled "An act for the further amendment of the law," shall be and hereby are repealed from and after the second day of April next.

CHAP. IX.

An ACT *relative to the Money of Account of this State.*

Passed 27th January, 1797.

BE *it enacted by the People of the State of New-York, represented in the Senate and Assembly*, That from and after the first day of July next, all accounts in the treasury of this state; all accounts in the county treasuries; all accounts in the several other public offices within this state, all assessment rolls and all accounts arising from proceedings in the courts of justice within this state, except as to bills of cost, shall be kept and made out in the money of account of the United States, that is to say, in dollars or units, dismes or tenths, cents or hundredths, mills or thousandths; a dollar being four tenths of the pound heretofore used, as the unit of money of account in this state, a disme being the tenth part of a dollar, a cent the hundredth part of a dollar, and a mill the thousandth part of a dollar.

And be it further enacted, That in all judgments and decrees to be made or given in any court of justice after the said first day of July next, for any debt, damages or costs, the amount thereof shall be computed and ascertained as near as may be, in dollars and cents, rejecting lesser fractions if any, and in all executions to be issued thereon, it shall only be necessary to mention the said amount in dollars and cents. And no judgment, decree or other proceeding shall be considered as erroneous or or by reason of the omission of the fractional parts of a cent in any such computation.

CHAP. X.

An ACT *for the relief of the Heirs and Devisees of Andries Onderdonk, deceased.*

Passed January 27th, 1797.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same*, That it shall and may be lawful to and for the heirs and devisees of Andries Onderdonk, deceased, in due form of law, to grant, release and convey unto the consistory of the first reformed Protestant Dutch church of New-Hempstead in Orange county, and their successors for ever, all that certain tract of land in Clarke's Town, in the said county of Orange, which was conveyed to the said Andries Onderdonk by the commissioner of forfeitures for the middle district, pursuant to the directions of the act

entitled "An act for the ſpeedy ſale of the confiſcated and forfeited eſtates within this ſtate, and for other purpoſes therein mentioned;" in truſt to the uſes mentioned in the laſt will and teſtament of Johannes Mutts, late of the precinct of Haverſtraw, in the ſaid county of Orange, deceaſed. And that it ſhall and may be lawful to and for the ſaid conſiſtory of the firſt reformed Proteſtant Dutch Church of New Hempſtead in Orange county and their ſucceſſors, to ſell the ſaid lands either at public vendue or private ſale, for the moſt money that can be gotten for the ſame; and to make and execute good and ſufficient deeds and conveyances for the ſame, to the purchaſer or purchaſers thereof, who ſhall hold the ſame to him, her, or them, and his, her, or their heirs and aſſigns for ever, diſcharged of and from the ſaid truſt; and it ſhall be the duty of the ſaid conſiſtory of the firſt reformed Proteſtant Dutch Church of New Hempſtead, in Orange county, and their ſucceſſors, to put the money ariſing from ſuch ſale out at intereſt on good ſecurity, in this ſtate, or veſt the ſame in the ſtock of the United States, and apply the intereſt thereof as the ſame ſhall become due, and be by them received, to the uſe and ſupport of a free ſchool in the late precinct of Haverſtraw in the ſaid county of Orange, according to the true intent and meaning of the ſaid laſt will and teſtament of the ſaid Johannes Mutts, deceaſed.

And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid conſiſtory of the firſt reformed Proteſtant Dutch Church of New Hempſtead, in Orange county, and their ſucceſſors, to call the heirs, deviſees and executors of the ſaid Andries Onderdonk, to account for the rents and profits of the ſaid land and to ſettle and adjuſt ſuch accounts, and ſhall apply all the monies to be received by them on ſuch account to the uſe aforeſaid.

CHAP. XI.

An ACT *for the apportionment of the Funds for ſupport of the Poor in the Town of German Flatts, in the County of Herkemer.*

Paſſed 3d February, 1797.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That as ſoon as may be after the firſt Tueſday in May next, the ſuperviſors and overſeers of the poor of the towns of German Flatts, Warren, Franckfort and Litchfield in the county of Herkemer ſhall by notice to be given for that purpoſe by the ſuperviſors of the ſaid reſpective towns, meet together and divide the monies raiſed for the ſupport of the poor in the former town of German Flatts, previous to the diviſion thereof, between the aforeſaid towns; and ſhall make ſuch diviſion on principles of equity: And if the ſuperviſors and overſeers of the poor of the towns aforeſaid cannot agree upon ſuch diviſion of the monies aforeſaid, then and in ſuch caſe the ſuperviſors of the county of Herkemer, ſhall at their next meeting divide the monies as aforeſaid, in ſuch a manner as ſhall appear to them juſt and equitable.

CHAP. XII.

An ACT *to ſuſpend the powers of the Commiſſioners for erecting a State Priſon in the County of Albany.*

Paſſed 3d February, 1797.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame*, That

he powers of the commiſſioners appointed by law for erecting and build-
ng a State priſon in the county of Albany, ſhall be and hereby are
ſpended, until further legiſlative proviſion ſhall be made in the pre-
niſes; and that the ſaid commiſſioners ſhall cauſe the conveyances for
he land they have purchaſed for the purpoſe aforeſaid, to be duly
roved, or acknowledged and recorded in the office of the Secretary of
his State, and then depoſit the originals in the treaſury of this State.
nd it ſhall be the duty of the Surveyor General for the time being to
eaſe out the ſaid land from year to year for the benefit of this State,
ntil other legiſlative proviſion ſhall be made in the premiſes; and to
eceive the rents and profits thereof, and account to the ſtate for the
me: And the ſaid commiſſioners are hereby directed and required to
ettle all contracts made by them concerning the premiſes in the beſt
anner they can, and ſell and diſpoſe of all the materials purchaſed by
hem for the purpoſe aforeſaid, and ſettle all their accounts, and pay the
alance into the treaſury, without delay.

And be it further enacted by the authority aforeſaid, That the thirty-fourth
ection of the act entitled "An act for making alterations in the crimi-
al law of this ſtate and for erecting ſtate priſons," ſhall be and hereby is
epealed; and that the ſtate priſon to be built in the city of New-York,
all be conſidered as the ſtate priſon for the whole ſtate.

CHAP. XIII.

An ACT *regulating the holding of Circuit Courts in this State.*

Paſſed 10th February, 1797.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by authority of the ſame*, That the circuit courts in the ſeveral counties in the Weſtern diſtrict, ſhall yearly commence on the days following, that is to ſay: In the county of Schoharie on the firſt Tueſday in May; in the county of Otſego on the ſecond Tueſday in May; in the county of Tioga on the tenth day thereafter; the county of Steuben on the tenth day thereafter; in the county of ntaria on the eighth day thereafter; in the county of Onondaga the eighth day thereafter; in the county of Herkemer on the nth day thereafter, and in the county of Montgomery on the tenth y thereafter in every year: But if ſuch day ſhall happen to be Sunday, en and in every ſuch caſe the court ſhall commence the next day. And t the circuit courts in the ſeveral counties of the Eaſtern diſtrict ſhall arly commence on the days following, that is to ſay: In the county of ratoga on the third Tueſday in May; in the county of Clinton on the d Monday in June; in the county of Waſhington on the third Monday in June; in the county of Renſſelaer on the fourth Monday in June, and in the city and county of Albany on the firſt Monday in September in every year. And that e circuit courts in the ſeveral counties of the Middle diſtrict ſhall yearly commence on the days following, that is to ſay: In the county of Orange on the firſt Monday in June; in the county of Dutcheſs on the ſecond Monday June; in the county of Ulſter on the third Monday in June; and in e county of Columbia on the fourth Monday in June, in every years And that the circuit courts in the ſeveral counties of th Southern diſtrict ſhall commence on the ſeveral days fo

rcuit Courts in the veral counties of the ſtern diſtrict, when on what days to mmence.

the ſeveral coun- of the Eaſtern diſ- ct.

the ſeveral coun- of the Middle diſ- ct.

nd in the ſeveral ties of the S uth- diſtrict.

lowing, that is to ſay: In Kings county on the laſt Tueſday in Auguſt; in Queens county on the firſt Tueſday in September; in Suffolk county on the ſecond Tueſday in September; in Weſtcheſter county on the ſecond Tueſday in October; in Richmond county on the ſecond Tueſday in November; and in the city and county of New-York, on the third Tueſday in November in every year. And that in every year one of the judges of the ſaid Supreme Court to be deſignated for the purpoſe in the manner hereinafter directed ſhall hold the ſaid circuit courts in the ſeveral counties in the Weſtern diſtrict, and another of them to be deſignated for the purpoſe as aforeſaid, ſhall hold the ſaid circuit courts in the ſeveral counties in the Eaſtern diſtrict; and another of them to be deſignated for the purpoſe as aforeſaid, ſhall hold the ſaid circuit courts in the ſeveral counties in the Middle diſtrict; and another of them to be deſignated for the purpoſe as aforeſaid, ſhall hold the ſaid circuit courts in the ſeveral counties in the Southern diſtrict. And that the judges of the ſaid Supreme Court, or ſuch of them as ſhall then attend, ſhall on the firſt Friday of the term of April in every year, determine and deſignate which of the judges ſhall hold the circuits in each of the great diſtricts in that year, and cauſe an entry thereof to be made in the minutes of the ſaid Supreme court. And it ſhall be the duty of each of the judges ſo deſignated and appointed for that purpoſe to hold the ſaid circuit courts in the ſeveral counties of the diſtrict for which they ſhall be ſo reſpectively appointed. And in caſe any judge whoſe duty it ſhall be to hold any of the ſaid circuit courts in any year, ſhall by ſickneſs or otherwiſe be unable to hold the ſame, he ſhall give notice thereof to the judge not appointed to hold any of the ſaid circuit courts in that year, and it ſhall then be the duty of ſuch judge to whom ſuch notice is given to hold ſuch of the ſaid circuit courts in that year, as the judge ſo unable to attend ought otherwiſe to hold; and in caſe of the death of either of the judges whoſe duty it ſhall be to hold any of the ſaid circuit courts in any year, then it ſhall be the duty of the judge not appointed to hold any of the ſaid circuit courts in that year, to hold ſuch circuit courts inſtead of the judge ſo deceaſed. And any judge of the ſaid Supreme court, altho' not preſent at the commencement or opening of any ſuch court, may hold and continue ſuch court in the abſence of the judge who was preſent at the commencement or opening of the ſame court, and to do and execute every thing therein as fully in every reſpect as if he had been preſent at the commencement or opening of the ſame court, any law, uſage or cuſtom to the contrary notwithſtanding.

In every year a judge of the ſupreme court for each of the diſtricts ſhall hold ſaid courts.

Judges of the ſupreme court deſignate which of them ſhall hold ſaid courts.

Duty of ſaid judges.

Further duty in caſe of ſickneſs or other inability.

Duty of the judge, tho' not appointed, to hold the ſame in caſe of death.

And any judge may continue it in the abſence of the judge who was then preſent.

CHAP. XIV.

An ACT *for altering the place of holding the Courts of Common Pleas and General Seſſions of the Peace of the County of Waſhington, for the Term of February.*

Paſſed 10th February, 1797.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall and may be lawful for the judges and juſtices of the court of common pleas and general ſeſſions of the peace

he county of Washington, to be held on the second Tuesday of February ext, on that day to adjourn the said court to meet again on the same ay, or on the next day, at the dwelling house of Mary Dean in the own of Kingsbury, in the said county, and not at any other place, any w to the contrary thereof notwithstanding. And that the remainder of he said term, and all future courts to be held thereafter, for the term of ebruary, in the said county, shall be held at the place last aforesaid.

And be it further enacted by the authority aforesaid, That the other terms f the said courts respectively, that is to say: The terms of May and ovember, shall continue to be holden at the town of Salem, in the ounty of Washington aforesaid, at the court-house in the said county.

CHAP. XV.

An ACT *for keeping in repair certain private Roads in Orange Town, in the County of Orange.*

Passed 10th February, 1797.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the commissioners of the highway in Orange own, in Orange county, for the time being, or a majority of them, re hereby authorized and required to cause the road on the South side f the Slote creek, and the road leading from the highway by the house f John Sneed, on the Salt meadow in said town, and the bridges across he small creeks, and such fenses and swinging gates thereon as they or majority of them may deem necessary, to be erected and kept in re- air for ever hereafter at the expence of the proprietors of that part of he salt meadow which lies on the southerly side of the said creek, ac- ording to the value of their respective lots or shares therein, by a tax o be levied, assessed, collected, and paid, in the same manner as is di- ected by the act for defraying the public and necessary charge in the espective counties of this state. *Provided always*, That the said commis- ioners shall have their account audited and allowed by the supervisors of he said county at their annual meeting.

AND WHEREAS several of the proprietors of the said salt meadow ave voluntarily paid to the commissioners the sum of five shillings per cre, to purchase a free passage into the said meadow: Therefore,

Be it further enacted, That the said commissioners who received the ame, shall, on or before the first day of May next, deliver to the super- isor for the time being, a list containing the names of every person who ath paid the said sum of five shillings per acre for the purchase of a free assage into the said salt meadow, and for repairing the said road. And t is hereby made the duty of the supervisor in making out the tax lists to educt the money so advanced by him, her or them, out of the first tax aised by virtue of this act.

CHAP. XVI.

An ACT *to amend the Act entitled "An Act to prevent the bringing in and spreading of Infectious Diseases in this State.*

Passed 10th February, 1797.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That there shall be three persons appointed, com-

missioners of the health office of the city of New-York who shall assemble from time to time as occasion may require, at the health office for the dispatch of the business to them entrusted; and that the said commissioners, together with the health officer for the time being, for the said city, and who by virtue of his office shall always be a member of the said office, or a majority of them, shall be, and hereby are invested with all and singular the powers granted to the commissioners of the health office for the said city in and by the said act entitled "An act to prevent the bringing in and spreading of infectious diseases in this state," and that from and after the appointment of the said three commissioners all the powers vested in the present commissioners of the said health office shall cease.

Three commissioners of the health office for the city of New-York to be appointed who shall meet when requisite, and with the health officer, who shall be ex officio, a member invested with the same powers as the former commissioners, whose powers shall cease on such appointment.

And be it further enacted, That it shall be lawful for the said commissioners and health officer or a majority of them from time to time, as they shall judge advisable to make and execute rules and orders for cleansing and scouring the streets, alleys, passages, curtilages, sewers, yards, cellars, vaults, sinks, and other places within the said city, and for removing all offensive or putrid articles or substances which may be stored or otherwise collected within the said city. And the necessary expences in carrying the said rules and orders into effect, shall be deemed as part of the contingent expences of the said city, and shall be raised by the mayor, aldermen, and commonalty of the said city, as the other contingent expences of the said city are raised. *Provided nevertheless*, That all such rules or orders shall be reported to and may be suspended or repealed at any time by the person administering the government of this state.

Said commissioners and health officer authorized to make rules and orders for cleansing the streets, &c. and expence thereof, to be deemed as part of the contingent expences of said city.

And be it further enacted, That all coasting vessels coming from any place south of Cape May, although not subject to quarantine, of course shall be liable to examination, if the health officer shall deem it expedient by some fit person to be by him deputed, who shall have such reasonable compensation for his services, and paid by the commissioners, as they shall deem right. And that quarantine shall in all cases continue as many days as the commissioners shall deem necessary. And that no vessel hereafter arriving in the port of New-York otherwise, and subject to quarantine, of course shall be exempted from such quarantine, by reason of having previously touched or entered at any port within the United States, unless such vessel shall have remained in such port for the space of 30 days.

Certain coasting vessels liable to examination.

Quarantine to continue so long as the commissioners shall deem necessary.

No vessel arriving at New-York, otherwise and subject to quarantine, to be exempted by having touched or entered at any port in the United States unless she shall have remained there 30 days.

And be it further enacted, That upon complaint being made in writing by the health officer or either of the said commissioners, to the wardens of the port of New-York, charging any of the pilots of the said port with a breach of any of the rules or regulations prescribed by or in pursuance of this act, or of the act entitled "an act to prevent the introduction and spreading of infectious diseases in this state," it shall be the duty of the said wardens forthwith, to suspend such pilot or pilots from

Wardens of the port on complaint of commissioners, to suspend any pilot for a breach of rules or regulations, until he shall have entered into recognizance.

loting any veſſel until he ſhall have entered into a recognizance in the
m of two hundred dollars, with ſufficient ſecurity before a magiſtrate,
appear and anſwer to the offence, at the then next court of general
ſſions of the peace, to be held in and for the city and county of New-
ork.

And be it further enacted, That from and after the firſt day of July next,
perſon ſhall dreſs ſheep or lamb skins, or manufacture glue, nor ſhall
y ſoap boiler or tallow-chandler, or ſtarch maker, or maker and dreſ-
ſer of vellum, carry on any of their proceſſes or operations of their ſaid trades, which produce impure air or offenſive ſmells, ſuch as trying or melting of fat or tallow, boiling ſoap, fermenting grain or other ſubſtances for ſtarch, waſhing, fermenting, or oiling skins for vel-
n at any place within the city of New-York, ſouth of the ſouth ſide of
rant Street, and of the ſouth ſide of the ſaid ſtreet, continued until it in-
ſects the eaſterly ſide of Mulberry-ſtreet, and ſouth of the weſt line
om the interſection aforeſaid, continued to Hudſon's river, under the
nalty of one hundred dollars for each offence, to be recovered in an ac-
n of debt, with coſts of ſuit by any perſon who ſhall ſue for the ſame
the court of common pleas, called the Mayor's court of the ſaid city;
e half whereof ſhall be to the uſe of the plaintiff, and the other half
ll be brought into court, and by the order thereof paid to the trea-
er or chamberlain of the ſaid city, to be diſpoſed of to the uſe of the
or thereof, in ſuch manner as the mayor, aldermen aad commonalty of
ſaid city ſhall from time to time direct.

After 1ſt July next, ſlaughter-houſes to be erected within certain limits of the city of New-York, under the penalty of two dollars.

And be it further enacted, That it ſhall be lawful for the mayor, alder-
n and commonalty of the ſaid city of New-York, to treat and agree with ſuch of the owners or proprietors of the manufactories, trades or buſineſs prohibited as aforeſaid, for the taking down, removal and replacing the veſſels and fixtures uſed in ſuch manufactories and trades in ſuch part of the ſaid
y in which ſuch manufactories and trades may by this act be eſtabliſhed
d proſecuted; and in caſe no agreement can be made with the owners
proprietors of any ſuch manufactories or perſons proſecuting ſuch
des as aforeſaid, then and in ſuch caſe it ſhall and may be lawful to and
the ſaid mayor and recorder, and any two or more of the ſaid alder-
n by virtue of this act, by a precept under their hands and ſeals, to
mmand the ſheriff of the ſaid city and county of New-York, to impan-
and return a jury of twelve freeholders, to appear before the mayor's
rt of the ſaid city at any term, not leſs than three weeks from the
e of ſuch precept, to enquire into and aſcertain the reaſonable com-
ſation which ſhould be made to ſuch owners or proprietors for ſuch
ing down, removal and replacing as aforeſaid; which ſaid jury being
duly ſworn, faithfully and impartially to enquire into and aſcertain
n compenſation ſhall proceed to aſcertain the ſame; and the ſum found
their verdict ſhall be paid by the ſaid mayor, aldermen, and commonal-
f the ſaid city of New-York, to the ſaid owners or proprietors, and
l be deemed as part of the contingent expences of the ſaid city, to be
ed, levied and collected as the other contingent expences of the ſaid
are levied, collected and paid. *Provided always*, That after ſuch de-
n by the jury, it ſhall be optional with the ſaid mayor, aldermen, and
monalty, either to pay the amount of the compenſation found by the
, or within one month thereafter, at their proper expence to take

Corporation may treat and agree with owners of ſuch manufactories for removal of fixtures therein.

down, remove and replace such vessels and fixtures in such place as th owners and proprietors thereof shall direct, and in such part of the sai city as by this act such manufactories or trades as aforesaid may be estab lished.

CHAP. XVII.

An ACT *to amend an Act relative to certain confiscated Lands in the Counti of Saratoga, and Montgomery.*

Passed 11th February, 1797.

WHEREAS by an act of the legislature of this state, passed the 6 day of April 1796, entitled, "An act relative to certain confisca ed lands in the county of Saratoga and Montgomery, the surveyor gen ral of this state was authorised to sell and quit-claim on the part of t people of this state, certain undivided lots of land which became the pr perty of this state by the attainder of Isaac Low, lying in the patent Kayaderosseras, to the possessors of the said lots:

AND WHEREAS the enacting clauses of the said act do not expres include any lands lying in the county of Montgomery, although the sa act was intended to include all the undivided parts of the said lots of la so forfeited, lying as well in the county of Montgomery, as in the coun of Saratoga: Therefore,

BE it enacted by the people of the State of New-York, represented in Sena and Assembly, That the aforesaid act shall be holden to extend to all t said undivided lands lying in the county of Montgomery, forfeited by t attainder aforesaid, as well and in the same manner as to the aforesa lands lying in the county of Saratoga; and that the surveyor general sha have like authority to dispose of the same; and every thing in t said act contained shall be holden to extend as well to such of the afor said lands lying in the county of Montgomery, as to those lying in t county of Saratoga.

CHAP. XVIII.

An ACT *relative to the acknowledgment of Deeds.*

Passed 11th February, 1797.

After 1st May next, no officer authorised to take acknowledgment or proof of deeds, &c. to take such acknowledgment unless he has satisfactory evidence respecting the grantee or witness which shall be inserted in the certificate.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly,* That no judge master in Chancery or other officer authorised to ta the acknowledgment or proof of deeds, conveyances, other writings, relating to lands, tenements and real tates, shall after the first day of May next, take any knowledgment of any deed, or conveyance of, or writi relating to any lands, tenements, or hereditaments, si ated in this state, unless he shall then know or have satisfactory eviden that the person making such acknowledgment is the person describ in, and who has executed such deed, conveyance or writing, nor take a proof of any such deed, conveyance or writing, from any person as a s scribing witness, unless he shall then know such person, or have satisfac ry evidence that such witness knew the person who executed such de conveyance or writing; all of which shall be inserted in the certificate such acknowledgment or proof, indorsed upon such deed or conveyan

Secretary of State and clerks of cities and counties hereafter not to record or register any deed, &c. not to acknowledged or proved.

And be it further enacted, That it shall not be lawful for the Secretary of this State, or any clerk of either of the cities or counties of this State, to record or register any deed, conveyance or writing aforesaid, thereafter to be acknowledged or proved, unless the same shall be acknowledged or proved in the manner by this act directed; which acknowledgment or proof shall be recorded therewith.

And be it further enacted, That it shall be the duty of every judge or other officer who shall take the acknowledgment or proof of any deed, conveyance or other writing, any wise relating to any lands, or tenements in this State, in the certificate of such acknowledgment or proof, to set forth what witnesses, if any, were examined before him, and the substance of the evidence by him or them given; and that every person who shall forge or counterfeit, or be aiding or assisting in forging or counterfeiting and such certificate or endorsement herein before mentioned to be made, and be thereof convicted according to the due course of law, shall be deemed guilty of felony, and be punished as in cases of felony.

Every person forging or counterfeiting such certificates, &c.

And be it further enacted, That if either of the said judges, or other officers, authorised to take the acknowledgment or proof of deeds, or clerks, or any other person intrusted by him, shall be guilty of any neglect or misdemeanor, or fraudulent practice, in the execution of this act, such judge, officer and clerk, shall respectively, for each and every such neglect, misdemeanor, or fraudulent practice in the execution of this act, be liable to pay treble damages, with full costs of suit, to every person injured thereby, to be recovered by action on the case, or by action of debt, bill, plaint or information, in any court of record in this state.

CHAP. XIX.

An ACT *for the relief of James Requa and Ezekiel Canfield.*

Passed 16th February, 1797.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the Surveyor General be and he hereby is authorised and directed to deliver to James Requa of the town of Mount Pleasant in the County of Westchester, a deed executed to him by the late commissioners of forfeitures for the Southern district, for one hundred and fifty acres of land in the said town of Mount Pleasant, formerly the manor of Philipsburgh, upon his first paying into the treasury of this state, the sum of fifty pounds, with interest thereon at the rate of six per cent per annum, from the thirtieth day of August one thousand seven hundred and eighty eight; and executing and delivering to the Treasurer of this State, to and for the use of the people thereof, a bond conditioned for the payment of one hundred and fifty pounds, with like interest thereon from the said thirtieth day of August, one thousand seven hundred and eighty eight, by two equal instalments, in one and two years from its date, together with a mortgage duly acknowledged and recorded, on the land contained in the said deed, for securing the payment of the said bond and producing to the Surveyor General a certificate from the Treasurer of his having done the same, and the said deed when delivered shall thenceforth be deemed and taken to be valid and effectual in law.

Be it further enacted, That the Surveyor General of this State be and he is hereby authorised and required to convey lots number eleven, sixteen and seventeen, in Mayfield, in the county of Montgomery, unto Ezekiel Canfield, and to his heirs and assigns forever, upon his paying for the same the appraised value thereof, according to the appraisement made by Josiah Throop, Gersham Woodworth and William Lard, with the interest thereof, at the rate of six per cent from the 25th day of April, 1794. *Provided always*, That in the conveyance to be given by the Surveyor General the following words shall be inserted, viz, "these presents however are not to operate as a warranty."

CHAP. XX.

An ACT *concerning the recovery of Debts and Demands to the value of Ten Pounds, in the City of New-York.*

Passed 16th February, 1797.

WHEREAS the appointing assistant justices to hear, try and determine causes in the city and county of New-York, by virtue of the act, entitled "An act for the more speedy recovery of debts to the value of ten pounds," has not been attended with all the benefits thereby intended, and it is conceived that a better mode may be adopted in the city of New-York, for the recovery of debts and demands not exceeding ten pounds: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the person administering the government of this state for the time being, by, and with the advice and consent of the council of appointment, from time to time to appoint and commission justices of the peace in and for the city of New-York, with power to keep the peace in the said city, and to hear and determine all causes in the city and county of New-York, made cognizable before justices of the peace by the said act entitled "An act for the more speedy recovery of debts to the value of ten pounds." And also to hear and determine all actions and informations upon any statute of this state, and upon any bye law of the said city made or to be made where the penalty or forfeiture shall not exceed ten pounds; doing therein that which to justice doth or shall appertain. And the persons so appointed and commissioned as aforesaid as justices of the peace in and for the city of New-York, or any two or more of them shall have power and authority, and are hereby authorised, empowered and required to hold a court for the purposes aforesaid, at the City-Hall of the city of New-York, and therein to hear and determine all such matters of debt, causes, actions and informations as are made cognizable before them by this act, according to the directions of the said act entitled "An act for the more speedy recovery of debts to the value of ten pounds," and the several other acts amending, explaining or altering the same, and according to the directions herein after mentioned. And for that purpose two of the said justices for the time being, according to the rotation herein after mentioned, shall, from and after the first day of May next, meet, sit and hold the said Court, in the City-Hall of the city

Governor and council to appoint justices of the peace in and for the city of New-York, with certain powers,

Said justices to hold a court in said city, and therein to determine all such matters as are made cognizable before them by this and the former ten pound act, and the several acts amending the same at the times and in the manner herein directed

of New-York, every day except Sundays, and except the first day of January, the fourth day of July, the twenty-fifth day of November, and the twenty-fifth day of December in every year. And it shall be the duty of the said justices of the peace in and for the city of New-York, to hold the said court according to the following rotation, that is to say; the first and second persons named in the commission shall attend and hold the said court the first week, and the third and the fourth the second week, and so on until all the said justices shall have served one week, if they consist of an even number, or otherwise all but one, and then the persons first and last named in the said commission shall attend and hold the said court the next week, and the second and third persons named therein the week after, and so on in the like rotation thereafter. *Provided always*, That nothing herein contained shall be construed to exclude or debar any of the said justices although they be not in rotation, from setting in the said court, but that all and every of them shall and may when and so often as they shall respectively think fit, sit and give judgment therein; and in case of the death or inability of any of the said justices whose duty it may be to attend the said court according to the said rotation at any time, then and in every such case it shall be the duty of him who is next in rotation to attend the said court in the place of him so deceased or unable to attend. And if the justices present at any time in the said court shall be equally divided upon any question before them, the senior justice present, that is, he whose name stands first in the commission, shall have the casting vote.

Duration of their Offices.

And be it further enacted by the authority aforesaid, That the said justices shall hold their office during the pleasure of the council of appointment; and that new commissions to the justices of the peace in and for the said city shall be issued at least once every three years.

Said justices to appoint a clerk and provide a seal.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said justices of the peace in and for the said city of New-York, for the time being, or the major part of them, by writing under their hands and seals, from time to time as occasion shall require, to appoint a clerk of the said court, and from time to time to remove any such clerk and to appoint another in his stead. And that it shall be lawful for the said justices, and they are hereby required to cause a seal to be made for the said court.

Application for process how to be made, and process how to be issued.

And be it further enacted by the authority aforesaid, That all applications for process for the recovery of any debt or demand by virtue of this act, shall be made to the said court, or to the clerk of the same court, and not otherwise: And that all process to be issued out of the said court shall be tested in the name of the justices of the peace in and for the city of New-York, and be signed by the clerk of the said court, with his name, and with the words "by the court," and sealed with the seal of the said court.

Clerk to register proceedings of the court.

And be it further enacted by the authority aforesaid, That the clerk of the said court shall cause to be made and entered or registered in proper books to be kept for that purpose, a docket or register of all summonses, warrants, precepts, executions and process to be issued by the said court; and of the returns to all such summonses, warrants and executions; and also proper entries of all acts, orders, dismissions, decrees, judgments, adjournments, and pro-

ceedings of the ſaid court; and alſo the ſubſtance of the plaintiffs charge or demand, and of the defendants plea.

How plaintiff is to prove his debt when judgment is given by default.

And be it further enacted by the authority aforeſaid, That in all caſes when judgment ſhall be given in the ſame court againſt any defendant by default, the plaintiff ſhall prove his debt or demand in the ſame manner as if the defendant had denied it by plea.

Any perſon may ſue or be ſued, having privilege of freedom from arreſt of ſuch whoſe duty it may be to attend on other courts.

And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for all perſons, as well attornies as others, to ſue and be ſued, implead and be impleaded, in the ſaid court hereby inſtituted, in any plaint, ſuit or action cognizable before the ſaid juſtices, any law, uſage or cuſtom to the contrary notwithſtanding, ſaving the privilege of freedom from arreſt of ſuch attornies or other perſon whoſe duty it ſhall be to attend, on any other court in the ſaid city, during the ſeſſions of ſuch court. Provided always,

This act not to extend to demands for money, &c. won by any kind of gaming.

And be it further enacted by the authority aforeſaid, That this act or any thing herein contained, ſhall not extend to any debt or demand for any money or thing won at, or by means of any horſe-race, cock-match, or any kind of gaming, play or wager, although the ſame ſhall not exceed the value of ten pounds.

The ſaid juſtices to have all the power of juſtices of the peace, except as to courts of ſeſſion of the peace.

And be it further enacted by the authority aforeſaid, That the juſtices of the peace in and for the city of New-York, to be appointed and commiſſioned by virtue of this act, ſhall jointly and ſeverally have, exerciſe and enjoy all the powers and privileges of juſtices of the peace, as to the keeping of the peace in the city and county of New-York, except the right and power of holding courts of ſeſſions of the peace, or ſitting as judges in any court of ſeſſions of the peace, to be held in and for the city and county of New-York, by the mayor, recorder and aldermen of the ſaid city, or any three or more of them, of whom the mayor or recorder always to be one. And each of the ſaid juſtices ſhall have the like power to commit offenders, and to take recognizances for their appearance and for their keeping the peace, and for their good behaviour, and to take recognizances for the appearance of witneſſes againſt offenders, as any other juſtice of the peace in any other county of this ſtate hath by law;

Recognizances &c. taken by them or either of them, in certain caſes.

and all recognizances taken by the ſaid juſtices of the peace in and for the city of New-York, or any, or either of them, for the appearance of any perſon in any court, ſhall, together with the examinations and evidence taken before ſuch juſtice or juſtices, be delivered by him or them, to the court in which the perſon for whoſe appearance ſuch recognizance is taken, is to appear.

No judgment to be given, rule or order made, or conviction had in ſaid court upon any ſtatute or law, unleſs two juſtices be preſent.

And be it further enacted by the authority aforeſaid, That no judgment ſhall be given, nor any rule or order made, in any cauſe in the ſaid court to be held before the ſaid juſtices of the peace in and for the city of New-York, nor any conviction had in the ſame court upon any ſtatute or law, unleſs two of the ſame juſtices at the leaſt ſhall be preſent; and if only one of them ſhall attend on any court day, he ſhall adjourn the ſaid court to the next court-day; and if on any court day, neither of them ſhall attend, then the clerk of the ſame court ſhall adjourn the court to the next court day.

And be it further enacted by the authority aforesaid, That in every record of conviction before the said justices, of any offence against the act entitled, "An act for suppressing immorality," or the act entitled, "An act to lay a duty of excise on strong liquors, and for the better regulating of inns and taverns," the names of the justices before whom the conviction shall be had shall be inserted, and instead of the words 'mayor or recorder, or one of the aldermen,' the words 'justices of the peace,' shall be inserted. And instead of the words 'given under my hand and seal,' the words 'witness the said justices,' shall be inserted.

Form of records of conviction ha before said justices for offences against certain acts.

And be it further enacted by the authority aforesaid, That every summons to be issued out of the said court, in any action of debt or trespass, or trespass on the case, shall be in the form following:

"THE PEOPLE of the state of New-York; To the constables and marshalls of the city of New-York, and to every of them, greeting: We command you to summon A. B. if he shall be found in the said city, to be and appear before our justices of the peace in and for the city of New-York, at the City-Hall of the said city, on the day of next (or instant) at of the clock in the forenoon, to answer C. D. of a plea of debt of (mentioning the sum) and if it be for a penalty for a breach of any law, specifying the offence, as of a plea of debt of ten pounds forfeited by the said A. B by selling by retail, one pint of rum without having such permit as is mentioned in the act entitled "An act to lay a duty of excise on strong liquors, and for the better regulating of inns and taverns," (as is said) or (of a plea of trespass or a plea of trepass on the case) to his damage (as is said) and have then there this precept: Witness our justice of the peace in and for the city of New-York, at the City-Hall of the said city, the day of in the year of our independence, and in the year of our Lord By the court, Clerk."

Form of summons in action of debt or trespass on the case, &c.

And every warrant to bring a defendant to answer, shall be in the following form:

"THE PEOPLE (as in the case of a summons) We command you to take A. B. if he shall be found in the said city, and bring him forthwith before our justices of the peace in and for the city of New-York, at the City-Hall of the said city, to answer C. D. of a plea (as in the case of a summons)

Warrant to bring defendant to answer.

And every execution against the goods and chattels of any person for any debt, damages or costs, recovered or adjudged in the said court, shall be in the following form:

"THE PEOPLE (as in the case of a summons) We command you to cause to be made of the goods and chattels of A. B. in said city, the sum of (if for debt) "which C. D. lately in our court before our justices of the peace in and for the city of New-York, recovered against him of debt, and also the sum of adjudged by the same court, to the said C. D. for his damages which he hath sustained, as well by occasion of the detention of that debt, as for his costs and charges by him about his suit in that behalf expended." And if for damages, then "which C. D. lately in our court before our justices of the peace in and for the city of New-York, recovered against him for his damages, in a certain action of trespass," or "trespass on the case." And also the sum of adjudged by the same court to the said C. D. for his costs and charges by him about his suit in that behalf expended."

Execution against goods and chattels.

And if for a balance found due to the defendant, then "lately in our c
before our juſtices of the peace, in and for the city of New-York,
judged to C. D. as a balance due to him from the ſaid A. B. in a cer
action lately brought by the ſaid A. B. againſt the ſaid C. D. in
ſame court, and alſo the ſum of adjudged by the ſ
court to the ſaid C. D. for his coſts and charges by him, about his defe
in that behalf expended." And if for coſts only, then "lately in
court before our juſtices of the peace in and for the city of New-York
judged to C. D. for his coſts and charges ſuſtained by him about his def
in a certain action brought againſt him in the ſame court by the ſaid A
And have you that money before our juſtices of the peace in and for
city of New-York, at the City-Hall of the ſaid city, on the day
next, to render to the ſaid C. D. for his "debt and damag
or "for his damages and coſts," or "for his balances and coſts,"
"for his coſts" aforeſaid. And have you then there this precept. Wit
as in caſe of a ſummons.

And every execution againſt the body of any perſon for any debt,
mages or coſts recovered or adjudged in the ſaid court ſhall be in the
lowing form:

"THE PEOPLE (as in the caſe of a ſummons) We command yo

Of execution againſt the body.

take A. B. if he ſhall be found in the ſaid city, and b
him forthwith before our juſtices of the peace in and
the city of New-York, at the City-Hall of the ſaid city; to ſatisfy C
of the ſum of which he lately in our court before our juſtic
the peace in and for the city of New-York, recovered againſt the
A. B. of debt, and alſo of the ſum of adjudged by the ſame c
to the ſaid C. D. for his damages which he hath ſuſtained, as well by
occaſion of the detention of that debt, as for his coſts and charges
him about his ſuit in that behalf expended. And if for damages,
"which he lately in our court, before our juſtices of the peace in
for the city of New-York, recovered againſt the ſaid A. B. for his
mages, in a certain action of treſpaſs," or "treſpaſs on the caſe."
alſo of the ſum of adjudged by the ſame court to the ſaid C. D.
his coſts and charges by him about his ſuit in that behalf expende
And if for a balance found due to the defendant, then "lately in
court before our juſtices of the peace in and for the city of New-Y
adjudged to him as a balance due to him from the ſaid A. B. in a cer
action lately brought by the ſaid A. B. againſt the ſaid C. D. in the
court, and alſo of the ſum of adjudged by the ſame court to
ſaid C. D. for his coſts and charges by him about his defence in that
half expended," and if for coſts only, then "lately in our court be
our juſtices of the peace, in and for the city of New-York, adjudge
him for his coſts and charges by him about his defence in a cer
action brought againſt him in the ſame court by the ſaid A. B." and h
you then there this precept. Witneſs (as in caſe of a ſummons)

And every perſon taken by virtue of ſuch execution ſhall be bro

If any perſon brought before the court on ſuch execution proves he is not liable to be imprifoned, the juſtices to diſcharge him.

before the ſaid court; and if any perſon ſo taken
brought before the ſaid court, or brought before
ſaid court by warrant, and a judgment ſhall thereupo
given againſt him, ſhall there alledge, that he is
liable to be impriſoned for the cauſe mentioned in
execution, or on account of ſuch judgment ſo had, the juſtices then
ſent ſhall examine into the truth of the matter, and if they ſhall find

h perſon is not liable to be impriſoned for the ſaid cauſe, they ſhall
e ſuch perſon to be diſcharged from ſuch arreſt, but if they ſhould be
of opinion that ſuch perſon is by law liable to be impri-
ſoned for the ſaid cauſe, if no ſuch allegation ſhall be
made, and the money mentioned in ſuch execution, or
for which the judgment is given is not there paid, then
y ſhall cauſe an entry to be made in the minutes of the ſame court,
porting that ſuch perſon is committed to the gaol of the city and
nty of New-York in execution for the "debt, damages, and coſts,
damages and coſts, or coſts mentioned in ſuch execution or judgment;
d cauſe a precept to be iſſued for conveying the perſon ſo committed
to the ſaid gaol, which precept ſhall be delivered to one
of the conſtables or marſhalls of the ſaid city, who ſhall
thereupon convey the perſon ſo committed to the gaol
of the city and county of New-York, and there deliver
m, together with the ſame precept, to the keeper of the ſaid gaol, who
ll there receive and ſafely keep the perſon ſo committed in execution
the ſaid gaol, until he ſhall be thence delivered by due courſe of law.
nd if any perſon taken by virtue of ſuch execution or warrant, ſhall be
diſcharged from ſuch arreſt by the ſaid juſtices as afore-
ſaid, ſuch taking and diſcharge ſhall not operate as a
releaſe or diſcharge of the debt or demand for which
ſuch perſon was ſo taken, nor prevent any execution for
the ſame againſt the goods and chattels of the perſon ſo
ſhall the perſon who cauſed ſuch execution or warrant to
be iſſued, or any perſon who ſhall execute the ſame, be
liable to any ſuit or damage on account of ſuch diſcharge.
And in all caſes where part of the debt, damages or
coſts ſhall have been paid or levied, and any execution
iſſued for the reſidue, ſuch execution ſhall be only for the ſum remain-
g due, to which ſhall be added in the execution the words "being the
due of" the ſum recovered or adjudged, mentioning the amount
hereof; and every precept for conveying any perſon to the ſaid gaol,
ho ſhall be ſo committed, ſhall be in the following form:

"THE PEOPLE of the State of New-York, to the conſtables and
marſhalls of the city of New-York, and to the keeper of
the gaol of the city and county of New-York, and
to each of and every of them greeting: WE command
ou the ſaid conſtables and marſhalls to convey A. B. to the ſaid gaol, and
here deliver him to the keeper thereof; and we command you the ſaid
eeper there to receive the ſaid A. B. into your cuſtody, and to keep him
afely in the ſaid gaol in execution at the ſuit of C. D. for debt
nd damages and coſts (or for debt and coſts, or
for damages and coſts," or "for coſts" as the caſe
may be) until he ſhall be delivered by due courſe of law, Witneſs (as in
he caſe of a ſummons)

And in all actions of debt, the intereſt due to the plaintiff, if any,
ſhall be added to the coſts of the ſuit, but the debt, da-
mages and intereſt, if any allowed, and coſts, ſhall be
ſeparately ſpecified in the indorſement on the execution.

nd all proceſs for ſummoning jurors to appear in the ſaid court, ſhall be
in the following form:

"THE PEOPLE of the State of New-York, to the conſtables and marſhalls of the city of New-York, and to every of them greeting, We command you to ſummon twelve good and lawful men of the city of New-York, who are in no wiſe of kin to C. D. the plaintiff, nor A. B. defendant, nor intereſted in the controverſy between them, to be and appear in our court, before our juſtices of the peace in and for the city of New-York, at the City-Hall of the ſame city, on the day of next (or inſtant) at the clock in the noon, to make a jury to try a certain action depending in our ſame court between the ſaid parties; and have you then there the names of that jury, and this precept" (as in the caſe of a ſummons).

Form of proceſs for ſummoning jurors.

And be it further enacted by the authority aforeſaid, That no more than one jury ſhall be ſummoned to attend the ſame court, on any one day, and if there ſhall be more than one cauſe to be tried in the ſame court on that day, the ſame jurors ſhall be returned in each cauſe. And every perſon qualified to ſerve as a juror upon trials in the Mayors court of the city New-York ſhall be conſidered as duly qualified to ſerve as a juror upon trials in the ſaid court, before the ſaid juſtices.

No more than one jury to be ſummoned in one day, and who are qualified to be jurors.

And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for any conſtable or marſhall of the ſaid city of New-York, to execute the proceſs to be iſſued by the ſaid juſtices, in any part of the ſaid city; and any ſuch conſtable may execute ſuch proceſs as well in any other ward of the ſaid city, as in the ward where he is choſen conſtable.

Conſtables may execute a proceſs in any part of the city.

And be it further enacted by the authority aforeſaid, That no execution ſhall be iſſued againſt the body of any perſon upon any judgment to be obtained by virtue of this act, until an execution ſhall have been iſſued againſt the goods and chattels of ſuch perſon, and duly returned, except in caſes where a defendant ſhall be brought before the ſaid court by warrant, and ſhall not give ſecurity, and a judgment ſhall thereupon be given againſt ſuch defendant; and the whole amount of the money to be levied or paid upon any execution to be iſſued by virtue of this act, ſhall be mentioned therein including the coſts for executing the ſame, with the other coſts of the ſuit. And the clerk of the ſaid court ſhall endorſe upon every ſuch execution, whether againſt the goods and chattels or the body of any perſon, the amount of the debt, damages and coſts to be levied or paid thereon, and ſign his name to the ſame indorſement, and no greater ſum ſhall be levied or taken in any caſe, or by virtue of ſuch execution.

No execution to iſſue againſt the body of any perſon except in certain caſes.

Clerk to indorſe the amount of the debt.

And be it further enacted by the authority aforeſaid, That the following, and no greater or other fees ſhall be allowed, taxed, or taken in any actions or proceedings, by virtue of this act, that is to ſay:

Fees to ſaid Juſtices, to be divided among them in manner herein after mentioned.

For every ſummons or warrant, *twelve cents.*
For taking ſecurity of a defendant, *twelve cents.*
For every venire to ſummon a jury, *twenty cents.*
For a ſubpœna for each witneſs, *ſix cents.*
For adminiſtering an oath in court, *ſix cents.*
For ſwearing a jury, *twenty cents.*

For every judgment or conviction, *twelve cents.*
For every commitment, *twelve cents.*
For every execution, *twenty cents.*
For taking the acknowledgment of satisfaction of a judgment, *six cents.*

And the clerk of the said court shall receive the said fees and account to the said justices for the same, at least once in every month and oftener if required by the said justices or a majority of them, and shall divide and pay the amount thereof to and among such of the said justices as shall have attended the said court during the time in which the same fees shall have been received, in proportion to the days each of them shall have attended the said court respectively, during that period.

Fees to be taken by the Clerk of the said court, to his own use.

For entering every action, *six cents.*
For entering the return of every summons, warrant, or execution, *six cents.*
For entering the substance of the plaintiff's charge or demand, upon the return of the process against the defendant when served, *twelve cents.*
For entering the substance of the defendant's plea, *twelve cents.* And if such charge, demand or plea is exhibited in writing, the same shall be filed in the office of the said clerk.
For entering the commitment of any person, *six cents.*
For entering every judgment, *ten cents.*
For entering acknowledgment of satisfaction of a judgment, *six cents.*
For copies of proceedings in the said court, when required, for every seventy-two words, *ten cents.*
For every search, *six cents.*

Fees to the Constables and Marshalls.

For serving every summons, *twelve cents.*
For serving every warrant, *twenty-five cents.*
For taking a defendant into custody on a mittimus or commitment, *twelve cents.*
For conveying a person to gaol, *twelve cents.*
For summoning a jury, *forty cents.*
For serving an execution for two and an half dollars or under, *twenty-five cents;* and at the rate of *twelve cents* for ever two and an half dollars more.
For travelling, if the person arrested is taken above one mile from the City-Hall, for every mile going only, *ten cents.*

Fees to Jurors.

For every cause tried, each *twelve cents.*

Fees to witnesses, and charges for summoning them.

Each witness attending and sworn, *twelve cents.*
Serving a subpœna on each witness, *twelve cents.*

And be it further enacted by the authority aforesaid, That besides the fees herein before allowed to the said justices, each of them shall be allowed and paid the further sum of *three dollars,* for every day they respectively sit and hold the said court, according to the rotation aforesaid, to be paid quarter yearly, by order of the Mayor, Aldermen and Commonalty, of the city of New-

Justices besides their fees allowed 3 dollars per day.

York, in Common Council convened, out of the money to ariſe from the exciſe on ſtrong liquors, and the licenſes to be granted to retailers thereof in the ſaid city. But none of the ſaid juſtices ſhall be paid or allowed any thing, except their proportion of the ſaid fees, for any time they may ſit in or hold the ſaid court, when not in the ſaid rotation.

Regiſter of court or copies deemed legal evidence.

And be it further enacted by the authority aforeſaid, That the regiſters and books of entry for the ſaid court hereby inſtituted, or copies thereof proved, ſhall be deemed legal evidence of the acts and proceedings of the ſaid court.

Mayor, recorder and aldermen to hold the courts of ſeſſions.

And be it further enacted by the authority aforeſaid, That the Mayor, Recorder and Aldermen of the city of New-York for the time being, or any three or more of them, of whom the Mayor or Recorder to be one, ſhall hold the courts of ſeſſions of the peace in and for the city and county of New-York; and each of them, the ſaid Mayor, Recorder and Aldermen ſhall hereafter have the power of juſtices of the peace in and for the city and county of New-York, as fully and in the ſame manner as if this act had not been made.

20th ſection of the ten pound act repealed.

And be it further enacted by the authority aforeſaid, That the twentieth ſection of the ſaid act entitled "An act for the more ſpeedy recovery of debts to the value of ten pounds," ſhall be, and hereby is repealed from and after the firſt day of May next.

And be it further enacted by the authority aforeſaid, That this act ſhall be adjudged, deemed and taken to be a public act.

CHAP. XXI.

An ACT *for appointing a Comptroller in this State,*

Paſſed 17th February, 1797.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame*, That an officer ſhall be appointed in this State, to be called and known by the name of "The Comptroller of the State of New-York," who ſhall do, perform and execute, all matters and things heretofore required by law to be done by the Auditor of this State. And it ſhall alſo be the duty of ſuch Comptroller to draw warrants on the Treaſurer for the payment of the ſalaries and wages of all the Legiſlative, Executive, Judicial, and Miniſterial officers of the government of this State; and for the payment of all monies by law directed to be paid to any other perſon; and to examine and liquidate claims againſt this State in all caſes in which proviſion is or ſhall be made by law, and give his warrant on the Treaſurer for payment of the amount or balance due thereon, who ſhall thereupon pay the ſame out of any money then in the Treaſury not otherwiſe appropriated; and in caſes where no proviſion ſhall have been made by law, and in caſes where the Comptroller cannot adjuſt the claim without legiſlative interpoſition, he ſhall examine the claim and report the facts concerning it, with his opinion thereon, to the Legiſlature; and to examine, adjuſt and ſettle the accounts of all perſons indebted to the State, and certify the amount or balance to the Treaſurer; and to keep an account between this State and the Treaſurer, and therein charge him with the balance in the

Comptroller's duties the ſame as the late auditor's were.

To examine and liquidate claims

To adjuſt accounts of perſons indebted to the ſtate, &c.

Treaſury and with all monies received by him, and credit him with all warrants drawn on him as aforeſaid; and to call on all public officers and others entruſted with public money, or who ſhall have received any money belonging to this ſtate, and ſhall not have accounted for the ſame as they ought; to ſettle their accounts, and on refuſal or neglect to do ſo, to cauſe ſuits to be brought againſt them; and to exhibit to the Legiſlature yearly at their firſt meeting after the firſt day of January in each year, a complete ſtatement of the funds of the ſtate, and of the annual revenue thereof; and of the amount of the ſalaries of the officers of government, and other contingent expenſes, and other appropriations paid in the preceding year, diſtinguiſhing which are permanent, and to ſuggeſt any improvements that may be made in the premiſes; and to loan upon good land ſecurity in this ſtate, all monies which may at any time be in the treaſury not otherwiſe appropriated, nor neceſſary to be retained for the ſupport of the government of this ſtate, not exceeding one thouſand dollars to any one perſon, taking a bond and mortgage in the name of the people of the ſtate of New-York, to ſecure the re-payment thereof, with intereſt at the rate of ſix per cent. per annum, the intereſt to be paid annually, and the principal at the end of ten years; and the mortgage to contain a covenant that the mortgaged premiſes are free from all incumbrances whatſoever, and the bond to be conditioned as well for the performance of the covenants contained in the mortgage, as for the payment of the money loaned, with the intereſt; and no ſum to be loaned of a greater amount than one half the value of the land mortgaged to ſecure it, excluſive of the buildings thereon; but no money to be advanced to any borrower until ſuch bond and mortgage ſhall be duly executed, and the mortgage duly acknowledged or proved and regiſtered according to law, in the office of the clerk of the county in which the mortgaged premiſes ſhall be ſituated, and be delivered to the Comptroller with ſuch certificates as he ſhall think neceſſary to require, to ſhew that the mortgaged premiſes are free from all other incumbrances, and then the Comptroller ſhall give the borrower a warrant on the Treaſurer for the money ſo to be loaned, and ſhall depoſit the bond and mortgage in the Treaſury.

And to cauſe ſuits to be brought againſt thoſe who neglect to pay.

To loan out ſurplus money.

And be it further enacted, That upon the payment of any money into the treaſury, the treaſurer ſhall forthwith certify the ſame to the comptroller, who ſhall thereupon charge the treaſurer with the amount thereof, and when the amount of the money due on any mortgage heretofore given or hereafter to be given to ſecure the payment of any money to the people of this ſtate, or to any perſon other than loan officers in truſt for the people of this ſtate, ſhall be paid to the treaſurer, the comptroller ſhall give a certificate thereof, which being duly proved and minuted on the margin of the regiſtry of ſuch mortgage, ſhall operate as a diſcharge of ſuch regiſtry.

Treaſurer on payment of any money in the treaſury to notify the comptroller, &c.

And be it further enacted, That it ſhall alſo be the duty of the comptroller to cauſe ſuits to be brought and duly proſecuted againſt all perſons who ſhall refuſe or neglect to account for monies received by them belonging to this State, or who ſhall refuſe or neglect to pay any money due to this State; and it ſhall be the duty of the Attorney General of this State for the time being, or either of the aſſiſtant Attornies

Comptroller to cauſe ſuits to be brought by attorney general, againſt perſons refuſing account for money received by them belonging to the ſtate.

General, to commence and profecute all ſuch ſuits; but no ſuit ſhall be commenced for any debt due to this State until ſix months after the ſame ſhall have become due and payable.

Comptroller to attend the legiſlature during their ſeſſions.

And be it further enacted, That it ſhall be the duty of the Comptoller to attend the Legiſlature during their ſeſſions, and all petitions and applications to the Legiſlature for pecuniary compenſation, when referred to the Comptroller to make order, ſhall be by concurrent reſolution, and when referred to him to report thereon, ſhall be by order of the houſe in which ſuch petition ſhall be preferred.

When there is not money ſufficient, the Comptroller may borrow.

And be it further enacted, That if at any time in any year there ſhall be legal demands on this State, and by law directed to be paid, and not ſufficient money in the treaſury to ſatisfy the ſame, then and in every ſuch caſe it ſhall be lawful for the Comptroller, in the name and on behalf of the People of this State, to borrow a ſum ſufficient for that purpoſe of the Bank of New-York or Bank of Albany, at the uſual diſcount, and to draw a warrant for the ſame, in favor of the Treaſurer, and charge him with the amount thereof; but ſhall take care to draw a warrant on the Treaſurer for the repayment thereof, as ſoon as there ſhall be money ſufficient for that purpoſe in the treaſury.

Comptroller's ſalary 3000 dollars per ann.

And be it further enacted, That the Comptroller ſhall be allowed as a compenſation for his ſervices and expences, including clerk hire, office hire and ſtationary, a ſalary of three thouſand dollars a year, payable quarter yearly, and it ſhall be lawful for him to draw warrants on the Treaſurer for the payment thereof, as the ſame ſhall become due.

And be it further enacted, That this act ſhall take effect as to appointment of the Comptroller from the paſſing thereof, but ſhall not take effect as to the duties to be performed by him, or as to his ſalary, until the firſt day of May next.

And be it further enacted, That this act ſhall be and continue in force three years from the paſſing thereof, and no longer.

CHAP. XXII.

An ACT *for the appointment of Commiſſioners to ſettle ſuch part of the Line of Diviſion between the Towns of Oyſterbay and Huntington, as is therein mentioned.*

Paſſed 17th February, 1797.

WHEREAS a controverſy has for a long time exiſted between the towns of Oyſterbay and Huntington, reſpecting a part of the diviſion line between the ſaid towns; and whereas the ſaid towns have by perſons duly authoriſed and appointed for that purpoſe, united in an application to the legiſlature for an act appointing commiſſioners to ſettle the ſaid controverſy: Therefore,

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That Richard Hatfield, Ebenezer Purdy and Elias Newman Eſquires, be, and they are hereby conſtituted and appointed, Commiſſioners to hear and determine the controverſy ſubſiſting between the towns of Oyſterbay and Huntington, relative to the Weſtern boundary line of the town of Huntington, from the meadow adjoining the South Bay to the Atlantic Ocean, and finally to aſcertain, fix and determine the ſame.

And be it further enacted, That each of the towns aforesaid, shall furnish such number of assistants, as chain-bearers, flag-carriers, and for other services incident to the execution of this act, as the commissioners shall deem requisite, who shall attend upon the said commissioners and perform the duties enjoined by them.

The towns to furnish commissioners with chain bearers, &c.

And be it further enacted, That the commissioners aforesaid shall be and they are hereby authorized and empowered to run and determine the Western boundary line of the town of Huntington, from the meadow adjoining the South Bay to the Atlantic Ocean, agreeable to the charters, or letters patent, by which the lands, meadow and marsh within the two towns, were granted to the original proprietors, or patentees, and according to such just and equitable construction as the words of those instruments, and the evidence of other antient and authentic records and documents relative to the premises will authorize; which determination shall be final and conclusive with respect to the jurisdiction of the said towns.

Commissioners to run and determine the western boundary of Huntington.

And be it further enacted, That each of the said commissioners before he enters upon the execution of the duties enjoined by this act, shall take an oath before one of the justices of the supreme court of this state, or before one of the judges of the court of common pleas of any county of this state, faithfully and impartially to the best of his skill and judgment, to perform the trust hereby reposed in him.

Commissioners to take an oath faithfully to perform their trust.

And be it further enacted, That the said commissioners, or any two of them, shall be, and they hereby are empowered to summon any person or persons to appear before them, when and as often as they shall think proper, to be examined concerning the said matters in controversy, and to bring with them all such books, papers and other written evidence as the said commissioners, or any two of them shall think necessary. And it shall and may be lawful for the said commissioners, or any one of them, to administer an oath or affirmation to the witnesses to be examined before them, to declare the truth touching the matters in question; and if any person or persons being summoned by writing subscribed by any two or more of the said commissioners, and duly served upon such person or persons, at least three days before the time required by such summons, for his, her or their attendance, and shall refuse or neglect to give such attendance, or to be examined on oath or affirmation, or to bring or produce such written evidence as shall be required by the said commissioners, or any two of them, every such person so refusing or neglecting, not having a lawful and reasonable let or impediment to the contrary, and having been paid or tendered according to his or her degree or calling, such reasonable sums of money for his or her costs and charges, as, having regard to the distance of the place, is necessary to be allowed in that behalf, shall forfeit for every such refusal or neglect the sum of fifty dollars, to be recovered with costs of suit in any court of record having cognizance thereof, by action of debt, to be brought in the name of the person or persons at whose request such witness was summoned.

Commissioners empowered to summon witnesses and examine them under oath.

And be it further enacted, That the determination of the said commissioners, or any two of them as aforesaid, being duly acknowledged or proved before a judge of the supreme court of this state, or a master in chancery, in the same

Determination of commissioners to be proved and recorded in the secretary's office.

manner as deeds and other writings are proved and acknowledged, shall be entered of record in the office of the secretary of this state, and the same, or a record thereof, or an exemplification of such record, shall be good evidence of such determination in all courts both of law and equity.

And be it further enacted, That the determination aforesaid shall be made within one year after the passing of this act.

And be it further enacted, That all the expenses, costs and charges which shall arise or accrue in running and determining the boundary line aforesaid, or on account of any thing respecting the execution of the trust herein before specified, shall be audited and allowed by the commissioners, and shall be equally paid and borne by the said parties, that is to say, one half by the town of Oysterbay, and the other half by the town of Huntington.

CHAP. XXIII.

An ACT *to render the Funds of this State more productive of Revenue.*

Passed 17th February, 1797.

WHEREAS certain monies belonging to this state in the funds of the United States are made payable by installments in small sums: And Whereas this state will be liable to much loss and embarrassment from annual provisions for reloaning the said installments: And Whereas œconomy requires that the public monies should be placed in the most productive situation: Therefore,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the Treasurer of this state to sell and transfer to the President and Directors and company of the Bank of New-York, and that it shall be lawful for the said corporation to buy all the Stock of the United States bearing a present interest of six per cent, usually denominated Six per cent stock, and all the Stock to bear an interest of Six per cent after the year one thousand eight hundred, usually denominated Deferred Stock, and held by him as Trustee for this State, on the following terms, that is to say: That the price of the said stocks shall be the nominal value thereof; that the purchase money shall be payable on the second Tuesday of May, which will be in the year one thousand eight hundred and nine; that the purchase money for the six per cent stock shall bear a present interest at the rate of six per cent per annum, payable half yearly; and the purchase money for the deferred stock shall bear in a like interest after the year one thousand eight hundred: That the said corporation may sell the said stocks again in like manner as their other estate or property; that on the purchase of the said stocks the total amount of the debts which the said corporation may at any time owe may exceed the amount to which they are at present restricted, in the proportion which the aggregate sum of the nominal value of the said stocks, added to a million of dollars, shall exceed the said sum of one million of dollars: That as often as payments shall be made by the United States on account of the principal of the six per cent stock, the said corporation may from time to time buy stocks of the United States, to the nominal amount of the said

Treasurer to transfer to the bank of New-York, all the six per cent and deferred stocks.

At the price of its nominal value, payable at a certain time.

Bank authorised to sell said stock, as they can other of their property, and may extend their credit upon it in a certain proportion.

ayments, any thing in the act incorporating the ſtockholders of the ſaid ank, to the contrary thereof notwithſtanding. And that whenever dur- g the period aforeſaid the legiſlature ſhall deem the occaſion to require , the ſaid corporation ſhall make loans to the ſtate, to bear a like inter- eſt and otherwiſe on ſuch terms as ſhall be reaſonable, and to ſuch amount as the exigencies and circumſtances of the ſaid bank ſhall on each reſpective occaſion, in the dgment of the directors thereof for the time being, permit.

And to make loans the ſtate of money en occaſion may re- re it.

And be it further enacted, and it is hereby Provided, That no obligation or covenant concerning the premiſes ſhall be paſſed or executed between the treaſurer and the ſaid corporation until the ſame ſhall have been approved by the perſon adminiſtering the government of this ſtate for the time ing, or by the Attorney General thereof, together with one or more ſuch counſel learned in the law as the perſon adminiſtering the govern- ent of this ſtate ſhall for that purpoſe appoint.

No covenant to be de with the bank hout the approba- n of the governor, c.

And be it further enacted, That if the ſaid ſale and tranſfer to the ſaid corporation ſhall be made, then and in ſuch caſe the treaſurer of this ſtate for the time being ſhall *ex officio* be one of the directors of the ſaid corporation, in addition to the mber of directors already preſcribed by law, and that this proviſion all continue until this purchaſe money aforeſaid ſhall have been paid to e ſtate. *Provided however*, That if the office of comptroller ſhould here- after be eſtabliſhed, then the treaſurer ſhall ceaſe to be by this act a director, and the comptroller for the time be- ing ſhall *ex officio* be one of the ſaid directors.

Treaſurer to be one the Directors ex icio.

proviſo. If a comp- ller ſhall be ap- nted, he to be a ector inſtead of the aſurer. Said di- ctor to furniſh the ate, whenever may require it, true ſtate of the nk.

And be it further enacted, That it ſhall be the duty of the director by this act appointed on the part of this ſtate, to furniſh to the perſon adminiſtering the government of this ſtate as often as may require, a ſtatement of the mount of the capital ſtock of the ſaid corporation, and of the debts due the ſame, of the monies depoſited therein, of the notes in circulation, d of the caſh on hand, any bye-laws, ordinance or regulations of the d corporation to the contrary thereof notwithſtanding.

banks of New-York Albany to be the ces for the depo- g public monies.

And be it further enacted, That the banks of New-York and Albany ſhall be the places of depoſit for all or ſuch part of the public monies at any time in the treaſury of is ſtate, as the treaſurer ſhall deem adviſeable to depoſit in bank for ſafe- or convenience.

And be it further enacted, That the acceptance of the aforeſaid transfer by the ſaid preſident, directors and company of the bank of New-York, ſhall be deemed and taken to be a full and complete acquieſcence in and conſent on their part to all and every the proviſions contained in this act.

Acceptance by the k. of transfer of ſtock deemed an quieſcence in this

CHAP. XXIV.

AN ACT *to authorize the Comptroller of this State to ſubſcribe to the Bank of Albany.*

Paſſed 24th February, 1797.

WHEREAS by the act entitled "An act to incorporate the ſtock- holders of the Bank of Albany," it is enacted, that this ſtate

ſhall have a right to ſubſcribe any number of ſhares to the ſaid bank, not exceeding in the whole the number of fifty at any time when they ſhall by law authorize any perſon or perſons for that purpoſe; and the ſtate ſhall have a right to increaſe the number of ſhares and ſtock which the ſaid corporation may hold to the amount of the number of ſhares ſo to be ſubſcribed, if the number of ſhares therein limited ſhall be ſubſcribed before ſuch ſubſcription ſhall take place on the part of the ſtate. And Whereas the number of ſhares limited to the ſaid corporation have been already ſubſcribed, and it is conceived proper that this ſtate ſhould ſubſcribe fifty ſhares to the ſaid bank: Therefore,

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall and may be lawful for the comptroller of this ſtate, and he is hereby authorized and directed, as ſoon as conveniently may be, to ſubſcribe for and on behalf of the people of this ſtate, fifty ſhares to the ſaid bank, and to draw a warrant on the treaſurer to pay for the ſame, out of the monies lately received by him on account of principal ſtock of the United States, which then ſtood in his name, and the treaſurer is hereby directed to receive the certificates to be given for the ſaid ſhares, and keep them in the treaſury, ſubject to the direction of the legiſlature.

Comptroller to vote for directors of ſaid bank, and to draw warrants in favour of the treaſurer for all dividends.

And be it further enacted, That it ſhall and may be lawful for the comptroller of this ſtate for the time being from time to time to vote for directors of the ſaid bank, for and in reſpect to the ſaid fifty ſhares, for and in behalf of this ſtate, and from time to time to draw warrants in favour of the treaſurer for the dividends and profits of the ſaid ſhares, who ſhall receive and keep the ſame in the treaſury of this ſtate, until diſpoſed of by law.

Shares in ſaid bank increaſed to 650.

And be it further enacted, That the ſhares in the ſaid bank ſhall be and hereby are increaſed from ſix hundred, being the number limited by ſaid act, to ſix hundred and fifty ſhares, and that the ſtock of the ſaid bank ſhall be and hereby is increaſed twenty thouſand dollars, being the ſum to be paid for the ſaid fifty ſhares to be ſubſcribed for this ſtate as aforeſaid.

CHAP. XXV.

An ACT *to confirm the Proceedings of the laſt Courts of Common Pleas and General Seſſions of the Peace, held in the County of Onondaga.*

Paſſed the 24th February, 1797.

WHEREAS by an act paſſed at the preſent ſeſſions of the legiſlature it is enacted that the courts of common pleas and general ſeſſions of the peace next thereafter to be holden in the county of Onondaga ſhould be holden on the laſt Tueſday of January in the preſent year: And whereas the ſaid courts were not holden on the laſt Tueſday of January, but on the fourth Tueſday of that month: Therefore,

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That all proceedings in the ſaid court of common pleas and general ſeſſions of the peace, held on the fourth Tueſday of January laſt, ſhall, to all intents and purpoſes, be as valid as if the ſame had been held on the laſt Tueſday of January laſt, in conformity to the ſaid act

passed in the present sessions, any thing in the said act to the contrary notwithstanding.

CHAP. XXVI.

An ACT *to amend an Act entitled "an Act for the relief of Benjamin Birdsall and his Associates."*

Passed 24th February, 1797.

WHEREAS the act entitled "an act for the relief of Benjamin Birdsall and his associates, directs the tract of land to be granted in pursuance thereof to be laid into a number of lots correspondent to the number of shares in the said act described with intent to grant the said lots in severalty, to the persons respectively intitled to such shares, but no mode of designating the lots to be granted as an equivalent for such shares respectively is prescribed by the said act: Therefore,

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the commissioners of the land-office to cause the lots into which the said tract has been divided by the surveyor general, to be ballotted for in their presence, in such mode as they shall deem best calculated to make a fair and equal division thereof to and among the several persons respectively named in the said act, in proportion to their several interests in the said act, as particularly designated in the said act, and to cause letters patent to be issued to the persons named in the said act for the lots drawn to their shares respectively on such ballot, in the mode prescribed in and by the said act; and that in case of the death of any of the persons named in said act as entitled to any part of the said tract before such letters patent shall be issued, the share or shares of the persons so dead shall in like manner be granted to his or their heirs or assigns.

CHAP. XXVII.

An ACT *supplementary to the Act, entitled, "an Act for the Relief of Wilhem Willink, Nicholas Van Staphorst, Christian Van Eeghen, Hendrick Vollenhoven, Rutger Jan Schimmelpenninck and Peter Stadniski being Aliens.*

Passed 24th February, 1797.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the protection, privilege and benefit of the act entitled, "An act for the relief of Wilhem Willink, Nicholas Van Staphorst, Christian Van Eeghen, Hendrick Vollenhoven, Rutger Jan Schimmelpenninck and Peter Stadniski, being aliens," shall be construed and taken to extend as well to lands within this state for the purchase of which any of the said six persons had contracted and paid before the passing of the said act, and which at the time of the passing thereof were holden in trust for one or more of the said six persons, less than the whole, and to lands then holden in trust for Jan Willink, Jacob Van Staphorst, Nicholas Hubbard, Peter Van Eeghen, Isaac Ten Cate, Jan Stadniski and Aernout Van Beestingh, or any or either of them, together with the said six persons or some of them, as to lands which were holden in trust for the said six persons collectively, and to the heirs or devisees of the said persons or of any of them subject always to the conditions and re-

ſtrictions in the ſaid act ſpecified; and to this further condition that the declarations and oaths required by the ſecond ſection of the ſaid act, ſhall deſignate according to the truth of the caſe the particular perſon or perſons for whom the ſaid lands were holden in truſt.

And be it further enacted, That the time allowed in and by the act to which this is ſupplementary, for executing the declarations in writing therein mentioned and for cauſing the ſame to be acknowledged or proved and recorded, ſhall be and the ſame is hereby extended and continued to the firſt day of July next, any thing in the ſaid act to the contrary notwithſtanding.

CHAP. XXVIII.

An ACT *to divide the Town of Cherry Valley, and altering the Names of the Towns therein mentioned*

Paſſed March 3d, 1797.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That from and after the firſt Monday of April next, all that part of the town of Cherry Valley, beginning on the eaſt bank of Lake Otſego, at the ſouthweſt corner of a petent granted to John Groeſbeek and others, and running eaſterly and northerly along the bounds of the ſaid patent, to the northeaſt corner thereof, then weſterly along the north bounds thereof, and the ſame line continued to the county of Herkemer, then ſoutherly along the eaſt bounds of the ſaid county, and the eaſt bounds of the town of Otſego, to Lake Otſego, then eaſterly and ſoutherly along the waters thereof, to the place of beginning, ſhall be and hereby is erected into a town by the name of Springfield, and that the firſt town meeting be held at the meeting houſe in the ſaid town.

Part of the town of Cherry Valley erected into a new town by the name of Springfield, and firſt town meeting where to be held.

That all that part of the town of Cherry Valley, beginning at the mouth of Cherry Valley creek, and running due eaſt to the eaſt bounds of a patent granted to Volkert Outhoudt and others, then northerly along the bounds thereof to the ſouth bounds of great lot number four, in the ſaid patent, then weſterly along the bounds thereof to the weſt bounds of the ſaid patent, then northerly along the bounds of the ſaid patent to the northweſt corner thereof, then by a line to the ſouthweſt corner of a patent known by the name of Beaver Dam, then northerly along the weſt bounds thereof to a patent granted to John Lindſey, then weſterly and northerly along the bounds thereof to the town of Springfield, then weſterly along the bounds thereof to Lake Otſego, then northerly and weſterly along the town of Springfield, to the town of Otſego, then ſoutherly along the town of Otſego, and the town of Suffrage, to the place of beginning, ſhall be and hereby is erected into a town by the name of Middlefield; and that the firſt town meeting in the ſaid town, be held at the houſe of James Hor[illegible]

Another part of the town of Cherry Valley erected into a new town by the name of Middlefield, and firſt town meeting where to be held.

That all that part of the town of Cherry Valley, beginning at the mouth of the Adequatangie, or Charlotte creek, and running along the northerly bounds of the town of Kortwright and Harpersfield to the county of Schoharie, then northerly along the bounds thereof to the ſecond allotment of the tract of land called the Belvidere patent, then weſt along the ſouth bounds of the ſaid allotment to

Another part of the town of Cherry Valley erected into a new town by the name of Warren and firſt town meeting where to be held.

patent granted to Alexander Mc. Gee and others, then northerly along the east bounds thereof to the northeast corner of lot number two in the said patent, then westerly along the north bounds thereof and the same line continued to the town of Middlefield, then southerly and westerly along the east and southerly bounds thereof to the town of Suffrage, then southerly along the same to the place of beginning, shall be and hereby is erected into a town by the name of Worcester, and that the first town meeting in the said town be held at the house of Silas Crippen. That the remaining part of the town of Cherry Valley be and remain a town by the name of Cherry-Valley; and that the first town meeting in the said town be held at the meeting house in the said town.

Remainder of said town to be called Cherry Valley.

Freeholders, inhabitants and town officers to have the like privileges as in other towns,

And be it further enacted, That the freeholders and inhabitants of each of the respective towns hereby erected shall be and hereby are empowered to hold town meetings, and elect town officers, as the freeholders and inhabitants of any town in this State may by law, and that the freeholders and inhabitants of each of the said towns respectively, and the town officers by them elected, shall have the like powers and privileges, and be subject to the like regulations and penalties as the freeholders, inhabitants and town officers of the other towns in this State are entitled and subject to by law.

Names of towns in Orange county altered.

And be it further enacted, That the town of New Hempstead in Orange county, shall hereafter be called, known and distinguished by the name of Hemstead, and the town of New Cornwall shall hereafter be called, known and distinguished by the name of Cornwall, any law, usage or custom to the contrary notwithstanding.

CHAP. XXIX.

An ACT *to erect part of the Town of Palatine into two new Towns.*

Passed 3d March, 1797.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That all that part of the town of Palatine, in the county of Montgomery, included within the following boundaries, to wit: Beginning on the west side of the East Canada creek, where it empties into the Mohawk river, thence westerly up said river to the division line between the counties of Montgomery and Herkemer, thence north along the same until an east line or course strikes the northwest corner of a large lot number fourteen in a tract of land called Glen's purchase, thence easterly to the northeast corner of Glen's purchase, thence east to said East Canada creek, thence southerly along the same to the place of beginning, shall be and hereby is erected into a town by the name of Manheim. And that part of said town of Palatine bounded south by said town of Manheim, west by the county of Herkemer, north by the north bounds of the county of Montgomery, and east by said East Canada creek, shall be and is hereby erected into a town by the name of Salisbury.

Part of the town of Palatine in Montgomery county erected into a new town by the name of Manheim.

Another part of said town erected into a new town by the name of Salisbury.

And be it further enacted, That the freeholders and inhabitants of each of the respective towns hereby erected, shall be, and hereby are empowered to hold town meetings and elect such town officers as the freeholders and inhabitants of other towns in this state may do by law; and that the freeholders and inhabitants of each of the towns respectively, and the town officers to be by them elected, shall have the like powers and privileges, and be subject to the like regulations and penalties as the freeholders, inhabitants and town officers of the other towns in this state are entitled and subject to by law: And that the first town meeting of the town of Manheim, shall be held at the house of Emanuel Waggoner in said town: and that the first town meeting in the said town of Salisbury, shall be held at the house of Aaron Hackley in said town.

Freeholders, inhabitants and town officers to have the like privileges as in other towns.

First town meeting where to be held.

And be it further enacted, That as soon as conveniently may be after electing town officers in each of the respective towns aforesaid the supervisors and overseers of the poor of the remaining part of the town of Palatine, and of each of the other towns aforesaid, shall meet at the house of John Banker innholder, in the said town of Palatine, by notice to be given for that purpose by the supervisor of the town of Palatine, at least ten days before the time of meeting, and apportion the poor maintained by said town of Palatine previous to the division thereof, between the said former town and the towns hereby erected in an equitable manner; and if the supervisors and overseers of the poor cannot agree upon such division of the poor as aforesaid, then and in such case the supervisors of the county of Montgomery, shall, at their next meeting thereafter, apportion and divide the poor maintained as aforesaid, in such manner as shall appear to them just and equitable, and the said towns thereafter shall respectively maintain their own poor

Poor of said towns how to be apportioned.

CHAP. XXX.

An ACT *for raising a further Sum of Money for repairing the Court-house and Gaol in the County of Herkemer.*

Passed 4th March, 1797.

WHEREAS the supervisors of the county of Herkemer have requested that a further sum of money be directed to be raised on the inhabitants of the said county, to repair the court-house and gaol of said county: Therefore,

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the supervisors of the county of Herkemer be, and they are hereby authorised and required to direct to be levied and raised on the freeholders and inhabitants of the said county, the sum of seven hundred and twenty dollars, with an additional sum of five cents on the dollar for collecting the same, which sum shall be raised, levied and collected in like manner as the other necessary and contingent charges of the said county are by law levied and collected.

And be it further enacted, That the said sum of seven hundred and twenty dollars, shall be collected and paid into the treasury of the said county, on or before the first day of October next; and the treasurer of the said county is hereby required and directed to pay the said sum of seven hundred and twenty dollars to the order of the commissioners appointed or to be appointed to repair the said gaol, retaining

his hands the ſum of one cent on the dollar for receiving and paying out the ſame.

And be it further enacted, That the ſaid commiſſioners ſhall account with the ſupervisors of the ſaid county for the money ſo by them to be received and expended for the purpoſes aforeſaid, when thereunto required.

CHAP. XXXI.

An ACT *for erecting a public Building in the County of Albany, and for other purpoſes therein mentioned.*

Paſſed 10th March, 1797.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That Philip Schuyler, Abraham Ten Broeck, Jeremiah Van Renſſelaer, Daniel Hale, and Teunis Ts. Van Vechten, be and they are hereby appointed commiſſioners to ſuperintend the erection of a ſuitable building for the purpoſes herein after mentioned, on ſuch ground lying in the city of Albany as the corporation of the ſaid city may hereafter convey to this ſtate as a donation for that purpoſe, or on ſuch other ground lying within the limits of the ſaid city of Albany, as the ſaid commiſſioners by and with the conſent of the perſon adminiſtering the government of this ſtate for the time being may for that purpoſe provide; and if no convenient ground can be obtained within the limits of the ſaid city at a reaſonable price whereon to erect ſuch building, then to erect the ſame on ſuch part of the lot of ground, purchaſed for the uſe of the people of this ſtate by the commiſsioners appointed by law to erect a ſtate priſon in the county of Albany, as the commiſſioners herein named, by and with the conſent of the perſon adminiſtring the government of this ſtate, for the time being, ſhall determine on; which building ſhall be ſo conſtructed as to contain commodious, ſecure, and ſufficiently extenſive apartments for the ſafe keeping of all the records, books, papers, and other things belonging or in any wiſe appertaining to the office of the ſecretary of this ſtate, and to the office of the clerk of the ſupreme court; and ſuch other public papers as the legiſlature may from time to time direct to be depoſited therein; and ſuch building ſhall contain ſuch additional apartments as may be requiſite for offices for the ſecretary of this ſtate, and for an office for a clerk of the ſupreme court. *Provided always*, That the expence of ſuch building, including the expence of ſuch lot, and including the expence of the materials, ſhall not exceed ten thouſand dollars.

Said building where to be erected.

To contain apartments for the offices of ſecretary of ſtate, clerk of the ſupreme court, and for papers which the legiſlature may direct to be depoſited therein.

Proviſo. Expenſe not to exceed 10,000 dollars including lot, and materials.

And be it further enacted, That for defraying all needful expences that may acrue in erecting ſuch buiding, it ſhall and may be lawful to and for the ſaid commiſſioners out of the monies which were paid unto them as commiſſioners, for erecting a ſtate priſon in the county of Albany, to appropriate a ſum not exceeding ten thouſand dollars both for the purchaſe of a convenient lot, if ſuch purchaſe ſhall be neceſſary, and for erecting of ſuch building as aforeſaid.

Said commiſſioners out of monies paid them as commiſſioners for erecting a ſtate priſon may appropriate 10,000 dollars if neceſſary.

And be it further enacted, That as ſoon as the ſaid commiſſioners or a majority of them, ſhall certify under their hands to the perſon adminiſtering the government of this ſtate for the time being, that the building ſo to be erected as aforeſaid is compleated and fit for the reception of the records, books, papers and other things attached to, or in

Shall certify to the perſon adminiſtering the government that the building is fit for the reception of the records, &c.

any wise relating or belonging to the offices aforesaid, the person so administering the government of this state shall forthwith require and direct the secretary to remove as soon as may be, the records, books, papers and other things belonging or appertaining to his office, to the building so to be erected. And the said secretary is hereby authorized and required to remove and deposit the same accordingly; and the said office from and after the removal aforesaid shall be kept and held in the building aforesaid, any law to the contrary thereof notwithstanding.

After 1st Nov. next where the offices of treasurer and comptroller shall be kept.

And be it further enacted, That from and after the first day of November next, the office of the treasurer of this state, and the office of the comptroller thereof, shall be holden and kept and remain within the city of Albany, or in that part of the town of Water Vliet laying between the north bounds of the said city, and the creek commonly called the fifth creek and not more than one mile from Hudson's river.

When said commissioners shall report their proceedings &c.

And be it further enacted, That the said commissioners shall lay before the legislature at their next annual meeting, an account of all their expenditures by them made, and of all their proceedings by virtue of this act.

Justices of supreme court to appoint an additional clerk.

And be it further enacted, That the justices of the supreme court of this state, shall, as soon as may be after the passing of this act, appoint another clerk of the said court, which clerk shall have like powers, be subject to like duties, and be entitled to like fees for services by him performed as the present clerk of the said court; and that one of the clerks of the said court shall keep his office in the city of New-York, and shall attend the said court and officiate as clerk thereof, when the same court shall sit in the city of New-York, and the other of the said clerks shall keep his office in the city of Albany, until the building aforesaid shall be erected, and shall thereafter keep his office in the said building, and shall attend the said court and officiate as clerk thereof when the same court shall sit in the county of Albany; and that it shall be lawful for the justices of the same court from time to time to direct such records and papers as they shall think proper to be removed from the clerk's office in the city of New-York, and deposited in the said building so to be erected, under the care of the clerk who shall hold his office therein. *Provided always*, That it shall be optional with the present clerk of the same court either to continue in the office to be kept in the city of New-York, or to take the office intended to be kept in the said building, at his election. And if he shall not make such election on or before the first Saturday in April term next, then the clerk to be appointed by virtue of this act shall keep his office in the city or county of Albany, in manner aforesaid.

One of the clerks to keep his office in N. York and the other in Albany.

Judges of Supreme court may direct papers to be removed from the office in N. York to the office in Albany.

Present clerk to have his option to keep the office in N. York or the one in Albany.

Judges of the supreme court to cause an additional seal to be made for sealing all writs, &c. and deposited with the clerk to be appointed.

And be it further enacted, That it shall and may be lawful to and for the justices of the supreme court, and they are hereby authorized and required forthwith to cause an additional seal to be made for the said court, as nearly similar as may be to the present seal of the said court, and to deposit the same with the clerk to be appointed as directed by this act: and all writs, processes and other proceedings issued under such seal

to be made, shall be equally valid and effectual as if the same had issued under the present seal of the said supreme court.

Legislature when and where to meet.

And be it further enacted, That in case the person administering the government of this state for the time being shall not on or after the first Monday of July, and before the first Tuesday in January, in any year, convene the Legislature by proclamation, then the Legislature shall meet on the said first Tuesday in January, without any summons or notification whatever, at such place as the Senate and Assembly at their meeting next preceeding the said first Tuesday in January shall have adjourned to, and in case there shall have been no such adjournment, or the Senate and Assembly shall not have adjourned to a place certain, then they shall convene on the first Tuesday in January then next at the city of Albany.

An act relative to the meetings of the Legislature, repealed.

And be it further enacted, That the act entitled "an act to regulate the future meetings of the legislature," be and the same is hereby repealed.

Court of Probates after the first June 1798 to be kept in the city of Albany.

And be it further enacted, That from and after the first day of June one thousand seven hundred and ninety eight, the court of Probates of the people of this state shall be holden, kept and remain within the city or county of Albany; and the judge and Clerk of the said court shall on or before the said first day of June, remove and safely convey to the said city or county of Albany, all the papers, books, minutes, records and documents belonging or in any wise appertaining to the said court of probates. And that from and after the said first day of June, the said judge of the said court of probates, and the said clerk of the said court, shall reside within the city or county of Albany.

Until another clerk of the Supreme court is appointed, all papers, notices, pleadings, &c. may be filed and entered in the present deputy clerks office in Albany.

And be it further enacted, That until another clerk of the supreme court shall be appointed, in conformity to the provisions in this act contained, all papers, notices, pleadings, process, rules, judgments, records and all manner of proceedings whatsoever relative to any suit, action or prosecution which have been or is in the supreme court now depending, or which shall or may be had or prosecuted therein, may respectively be filed and entered in the office of the deputy clerk of the supreme court in the city of Albany aforesaid, with like benefit and advantages to suitors, as if the same were or should be filed and entered in the office of the clerk of the supreme court.

Commissioners powers may be executed by a majority of them.

And be it further enacted, That the powers vested in the commissioners appointed by this act, shall and may be executed by the majority of them, or the majority of the survivors of them.

CHAP. XXXII.

An ACT *to divide Steuben in the County of Herkemer into three Towns.*

Passed 10th March 1797.

BE *it enacted by the People of the State of New-York, represented in the Senate and Assembly*, That from and after the first day of April next, all that part of the town of Steuben, in the county of Herkemer, which is contained within the limits and bounds following, viz. Beginning at the southwest corner of lot twen-

Part of Steuben town erected into a town but to retain its present name.

ty ſeven in Fonda's purchaſe, joining the town of Floyd, thence running northerly along the weſterly line of ſaid lot, and continued in that direction to the north ſide of a tract of land belonging to John Lanſing; thence eaſterly along the northerly line of ſaid Lanſing's land, and continued in that direction to the eaſt line of Steuben, thence ſoutherly on the line of ſaid Steuben to the northeaſt corner of the town of Floyd, thence weſterly on the line of ſaid town to the place of beginning, ſhall be, and is hereby erected into a town to remain by the name of Steuben,

Another part of Steuben, erected into a new town by the name of Weſtern.

And be it further enacted, That all that part of the ſaid former town of Steuben, contained within the following bounds, viz. Beginning at the ſouth weſt corner of Steuben as in the above ſection deſcribed, thence running northerly on the weſt line of ſaid deſcribed town to the northweſt corner thereof, thence weſterly along the northerly line of ſaid Lanſing's land and continued in the ſame direction until it ſtrikes fiſh creek, thence down ſaid creek until it would interſect the diviſion line of Rome and Steuben, if extended in a direct weſterly courſe, thence eaſterly along ſaid line to the place of beginning, ſhall be, and is hereby erected into a ſeparate town by the name of Weſtern.

Reſidue of Steuben erected into a new town by the name of Leyden.

And be it further enacted, That all the remaining part of the ſaid former town of Steuben, be, and is hereby erected into a ſeparate town by the name of Leyden.

And be it further enacted, That the firſt town meeting in each of the ſaid towns reſpectively, ſhall be held as follows, viz. In the town of Steuben, at the dwelling houſe of the late Baron Steuben, deceaſed; in the town of Weſtern, at the dwelling houſe of Ezek Sheldon; in the town of Leyden, at the dwelling houſe of Andrew Edmunds.

Firſt town meetings in ſaid towns where to be held.

Freeholders and inhabitans to have the like privileges as in other towns.

And be it further enacted, That the freeholders and inhabitants of the ſaid towns reſpectively, be, and hereby are empowered to hold town meetings, and elect town officers and enjoy all the privileges which the freeholders and inhabitants of the other towns within this ſtate may do by law.

And be it further enacted, That as ſoon as may be after the firſt day of April next, the ſupervisors and overſeers of the poor of the towns of Steuben, Weſtern and Leyden ſhall by notice to be given for that purpoſe, by the ſupervisors thereof, meet together and apportion the poor maintained previous to the diviſion thereof, between the ſaid towns, and divide any unexpended money raiſed for the former town of Steuben for the ſupport of the poor and ſhall make ſuch diviſion on principles of equity: And if the ſupervisors and overſeers of the poor of the towns aforeſaid, cannot agree on ſuch diviſion, then and in ſuch caſe the ſupervisors of the county of Herkemer ſhall at their next annual meeting make the apportionment and diviſion in ſuch manner as ſhall appear to them juſt and equitable; and the ſaid towns ſhall thereafter reſpectively maintain their own poor.

Supervisors and overſeers of the poor to divide the poor among ſaid towns.

CHAP. XXXIII.

An ACT *to erect part of the Counties of Ulſter and Otſego into a ſeparate County.*

Paſſed 10th March, 1797.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That all that part of the counties of Ulſter and Otſeg

Part of Ulster and Otsego counties erected into a new county by the name of Delaware.

beginning on the east bank of the Delaware river, at the most southerly corner of lot number twenty-eight in the sub-division of great lot number two, in the Hardenberg patent, then north sixty-two degrees east to the southwesterly bounds of great lot number eight in the said patent, then along the bounds of said lot number eight northwesterly to the southwest corner of lot number twenty in the sub-division of the said great lot number eight in the said patent, then northeasterly along the division line between lots number nineteen and said lot number twenty, and that line continued to the southerly bounds of the county of Albany, then along the same, and along the southerly bounds of the county of Schoharie to the lake Otseantho, then along the north bounds of a tract of land granted to John Harper and others to the northwest corner thereof, and the same line continued to the Adequitangie or Charlotte river, then down the waters thereof to the Susquehannah river, then down the waters thereof to the Line of Property, thence southerly along the said Line of Property to the Delaware river, then down the waters thereof to the place of beginning, shall be a separate and distinct county, by the name of Delaware.

A court of common pleas and a court of general sessions each to be held twice annually in said county, and the terms when to commence and end.

And be it further enacted, That there shall be held in and for the said county of Delaware, a court of common pleas, and a court of general sessions of the peace, and there shall be in the said county of Delaware two terms of the court of common pleas, and two terms of the court of general sessions of the peace in every year, to commence and end on the days following, viz. the first term of the court of common pleas and general sessions of the peace to commence on the first Tuesday in October next ensuing the passing of this act, and to end on the Saturday following; the second term of the court of common pleas and general sessions of the peace to commence on the last Tuesday in February following and end on the Saturday following. *Provided*, That in any of the terms aforesaid, the court may adjourn previous to the day assigned for its termination, if the business of the court will admit; and the said courts of common pleas and general sessions of the peace to be holden in the said county, shall have the same jurisdiction, powers and authority in the said county as the courts of common pleas and general sessions of the peace in the other counties of this state have in their respective counties. *Provided also*, That nothing in this act contained shall be construed to effect any suits or actions already commenced, or that shall be commenced before the first Tuesday of October next, so as to work a wrong or prejudice to any of the parties therein, or to effect any criminal or other proceedings on the part of this state, but all such civil and criminal proceedings shall and may be prosecuted to trial, judgment and execution, as if this act had not been passed.

Said courts where to be held.

And be it further enacted, That until further legislative provision be made in the premises, the said courts of common pleas and general sessions of the peace in the said county, shall be held at the house of Gideon Frisbie, in the town of Kortright, in said county.

Rights and privileges of the inhabitants of said county.

And be it further enacted, That the freeholders and other inhabitants of the said county hereby erected, shall have and enjoy all and every the same rights, privileges and powers as the freeholders and inhabitants of any other county in this state are by law entitled to have and enjoy.

And be it further enacted, That it ſhall and may be lawful for all courts and officers of ſaid county of Delaware, in all caſes civil and criminal, to confine their priſoners in the gaol of the county of Ulſter, until a gaol be erected in the ſaid county of Delaware.

Priſoners of ſaid county to be confined in Ulſter County gaol for the preſent.

And be it further enacted, That it ſhall and may be lawful for the freeholders and inhabitants of the ſaid county of Delaware, to build and erect a court houſe and gaol in the ſaid county of Delaware, at ſuch place as the judges and juſtices to be appointed in the ſaid county, and the ſuperviſors of the towns therein, or a majority of the ſaid judges, juſtices and ſupervifors may direct. *Provided*, ſaid court houſe and gaol ſhall not be erected at a greater diſtance than two miles from the mouth of the Little Delaware.

A court houſe and gaol to be built.

And be it further enacted, That it ſhall not be the duty of the juſtices of the ſupreme court once in every year to hold a circuit court in the ſaid county of Delaware, unleſs in their judgment they ſhall deem it proper and neceſſary, any law to the contrary notwithſtanding.

A circuit court not to be held.

And be it further enacted, That the ſaid county of Delaware ſhall be a part of the Middle Diſtrict of this ſtate.

Said county to compoſe part of the Middle diſtrict.

And be it further enacted, That from and after the paſſing of this act it ſhall and may be lawful for the county of Ulſter to chooſe ſeven members of aſſembly, the county of Otſego four members, and the county of Delaware two members and no more, any law to the contrary thereof notwithſtanding.

Members of Aſſembly of Ulſter Otſego and Delaware.

And be it further enacted, That all that part of the town of Colcheſter, ſituate on the eaſterly and ſoutherly ſide of the eaſterly line of the ſaid county of Delaware ſhall be annexed to, and be a part of the town of Rocheſter; and all the remaining part of ſaid town ſhall be and remain a ſeparate town by the name of Colcheſter; and all that part of the town of Middletown, ſituate on the eaſterly ſide of the line of ſaid county of Delaware, ſhall be annexed to and be a part of the town of Woodſtock; and all the remaining part of the ſaid town ſhall be and remain a ſeparate town by the name of Middletown. And all that part of the town of Woodſtock, lying within the ſaid county of Delaware, ſhall be annexed to and be a part of the town of Stamford.

Part of the town of Colcheſter added to the town of Rocheſter.

Part of Middletown added to Woodſtock.

Part of Woodſtock added to Stamford.

And be it further enacted, That all loſſes which may ariſe from deficiencies on loans by the loan officers made on lands mortgaged and which are ſituated in the ſaid county of Delaware ſhall be borne and paid in manner following: That is to ſay, Such deficiency as ſhall ariſe from lands mortgaged while part of the county of Otſego, ſhall be borne by the inhabitants reſiding in that part of the county of Delaware taken from the county of Otſego; and the like rule ſhall prevail as to any deficiency which may ariſe on loans made by the loan officers of the county of Ulſter; and for that purpoſe the ſaid loan officers ſhall certify the amount of ſuch deficiencies to the ſupervifors of the county of Delaware, who ſhall thereupon aſſeſs, levy and collect the ſame, upon the principles aforeſaid, and pay the ſame over to the loan officers of the ſaid counties reſpectively in which ſuch deficiencies ſhall ariſe.

Loſſes in ſaid new county on loans made by loan officers how to be borne and paid.

Delaware county annexed to the district.

And be it further enacted, That the said county of Delaware shall be annexed to and become part of the district now composed of the counties of Orange, Dutchess and Ulster, as it respects all proceeding under the act entitled "an act making provision for the more due and convenient conducting prosecutions at the courts of oyer and terminer and gaol delivery and general sessions of the peace."

Certain public prosecutions.

CHAP. XXXIV.

An ACT *further to amend an Act entitled "an Act for the encouragement of Schools."*

Passed 10th March, 1797.

From the mode of conducting schools in N. York it is impossible to distribute the monies allowed by law.

WHEREAS the Mayor, Aldermen and Commonalty of the city of New-York, have by memorial represented to the legislature that the manner of conducting the private schools, in the said city, is such as renders it impracticable to distribute the money appropriated by the act entitled "an act for the encouragement of schools," in the manner which the said act directs; for rectedy whereof,

One sixth of said money raised by tax in New York for the purpose of schools to be divided annually among the charity schools.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That one sixth part as well of the money appropriated by the said act as of the money raised by taxes in the city and county of New-York for encouraging and maintaining schools in the said city and county, shall hereafter be yearly distributed among the several charity schools in the said city, in such proportions as the Mayor, Aldermen and commonalty of the city of New-York in common council convened shall judge proper; and the remaining five sixth parts thereof shall be distributed among the schools which in any wards in the said city may be established and conducted in conformity to the said act, and in proportion to the number of days of instruction given in such schools respectively; but there shall not be paid to any school more than the amount paid or agreed to be paid to the master for teaching the said scholars in such school. And it shall and may be lawful for the Mayor, Aldermen and commonalty of the city of New-York in common council convened, to apply the said residue of the said money already received and hereafter to be received, until such school or schools shall be established; and all such surplus, if any, as such school or schools shall not be entitled to receive according to the directions of this act, from time to time to the erecting, supporting and maintaining one or more free schools in the city of New-York, in which the scholars shall be instructed in the English language, or be taught reading, writing, the English grammar, arithmetic, mathematics and such other branches of knowledge as are most useful and necessary to complete a good English education; which public schools shall be subject to the direction of the Mayor, Aldermen and commonalty of the city of New-York for the time being, and of such commissioners as they may from time to time appoint for that purpose. And it is hereby declared, that children of any citizen of the United States residing in the city of New-York shall be received and instructed in the said free school or schools from time to time according to the priority of their application without distinction; and if

The other five sixths how to be disposed of.

there ſhould on any one day be applications for more than can be received and taught therein, the preference between them ſhall be determined by ballot.

Inhabitants of New-York to have the ſame privileges under the ſaid act as the inhabitants of the different towns in this ſtate.

And be it further enacted, That the inhabitants of the ſaid city ſhall have the ſame rights, powers and privileges as are granted in and by the ſame act to the inhabitants reſiding in different parts of any town within this State. And every certificate or other matter in writing which is by the ſaid act directed to be filed in the office of the clerk of any town, ſhall for the ſaid wards reſpectively be filed in the office of the clerk of the city and county of New-York.

No ſchool in any town to receive more money in one year, than is ſufficient to pay the teachers.

And be it further enacted, That no ſchool in any of the ſeveral towns in this ſtate ſhall receive any more money in one year by virtue of the act for the encouragement of ſchools than ſhall be ſufficient to pay the maſter or maſters for the ſame year, any thing in the ſaid act to the contrary notwithſtanding.

CHAP. XXXV.

An ACT *for dividing the County of Schoharie into Towns.*

Paſſed 17th March, 1797.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That from and after the firſt Monday in April next, all that part of the county of Schoharie, beginning at a point in the weſt bounds in the county of Albany, where the ſame is interſected by Foxes creek, thence weſterly to the mouth of Weaver's Stoney creek where it empties into the Schoharie creek, thence weſterly to where the Cobels Kill road croſſes the Punch Kill, thence with a ſtraight line to a point in the ſouth bounds of the county of Montgomery five miles weſterly of Schoharie creek, thence eaſterly along the county of Montgomery to Duanesburgh, thence along the weſterly and ſoutherly bounds of Duanesburgh, and the weſt bounds of the county of Albany, to the place of beginning, ſhall be, and hereby is erected into a ſeparate town by the name of Schoharie, and that the firſt town meeting in ſaid town ſhall be held at the dwelling houſe of Johannes Ingold.

A certain part of Schoharie county erected into a town by the name of Schoharie and firſt town meeting where to be held.

A certain other part of Schoharie erected into a town by the name of Middleburgh, and firſt town meeting where to be held.

And be it further enacted, That all that part of the county of Schoharie, beginning at the place where the Cobels Kill road croſſes the Punch Kill, thence with a ſtraight line to the northweſt corner of a patent granted to Michael Byrns and others, thence with a ſtraight line to the weſt corner of the houſe of Jacob Beſt near the head of the north branch of the Weſt Kill, thence continuing the ſame line to a tract of land called Blenheim, thence eaſterly along the northerly bound of Blenheim until it ſtrikes Schoharie creek, thence eaſterly with a ſtraight line to the northeaſt corner of the dwelling houſe of Moſes Winters, thence with the ſame line continued to the weſt bounds of the county of Albany, thence northerly along the ſame to the ſoutheaſt corner of the town of Schoharie, thence along the ſoutherly bound thereof to the place of beginning, ſhall be, and hereby is erected into

ſeparate town by the name of Middleburgh; and that the firſt town meeting in ſaid town ſhall be held at the dwelling houſe of Abraham Becker.

A certain other part of Schoharie county erected into a town by the name of Blenheim, and firſt town meeting where to be held.

And be it further enacted, That all that part of the ſaid county of Schoharie beginning in the middle of Schoharie creek where the ſame is interſected by the ſoutherly bounds of the town of Middleburgh, thence along the northern bounds of a tract of land called Blenheim to the northweſt corner thereof, thence continuing the ſame line to the county of Otſego, thence along the eaſterly bounds of Otſego to the county of Ulſter, thence along the northerly bounds thereof to the middle of Schoharie creek, thence northerly through the middle of ſaid creek to the place of beginning, ſhall be, and hereby is erected into a ſeparate town by the name of Blenheim, and that the firſt town meeting in ſaid town ſhall be held at the dwelling houſe of Iſaac Smith.

A certain other part of the county of Schoharie erected into a town by the name of Briſtol, and firſt town meeting where to be held.

And be it further enacted, That all that part of the ſaid county of Schoharie, beginning at the northeaſt corner of the town of Blenheim, thence ſoutherly along the eaſterly line of the ſaid town to where the ſaid creek is interſected by the ſouth bounds of the county of Schoharie, thence eaſterly along the ſaid ſouth bounds to the county of Albany, thence northerly along the ſame to the ſoutheaſt corner of the town of Middleburgh, thence weſterly along the ſouth bounds of the ſame to the place of beginning, ſhall be, and hereby is erected into a ſeparate town by the name of Briſtol; and that the firſt town meeting in ſaid town ſhall be held at the dwelling houſe of Peter Richtmeyer.

A certain other part of Schoharie county erected into a new town by the name of Cobels Kill, and firſt town meeting where to be held.

And it further enacted, That all that part of the ſaid county, beginning at the northweſt corner of the town of Schoharie along the ſouth bounds of the county of Montgomery, ſix miles and a half thence with a ſtraight line to the weſt corner of the dwelling houſe of John Reddington, thence to the northeaſt corner of Stephen Skinner's patent, thence along the ſoutheaſterly line of the ſaid patent to the county of Otſego, thence ſoutherly along the bounds of the county of Otſego to the northweſt corner of the town of Blenheim, thence eaſterly along the north bounds thereof, to the ſouthweſt corner of the town of Middleburgh, thence northerly along the weſterly bounds of the towns of Middleburgh and Schoharie to the place of beginning, ſhall be, and hereby is erected into a ſeparate town by the name of Cobels Kill, and that the firſt town meeting in ſaid town ſhall be held at the dwelling houſe of Lambert Lawyer.

The reſidue of Schoharie county erected into a town by the name of Sharon, and firſt town meeting where to be held.

And be it further enacted, That all the reſidue or remaining part of the county of Schoharie, ſhall be, and hereby is erected into a ſeparate town by the name of Sharon, and that the firſt town meeting in ſaid town ſhall be held at the dwelling houſe of William Beekman.

Privileges of the inhabitants of ſaid towns the ſame as in other towns.

And be it further enacted, That the freeholders and inhabitants of each of the reſpective towns hereby erected, ſhall be and hereby are empowered to hold town meetings, and elect ſuch town officers as the freeholders and inhabitants of any town in this ſtate may do by law; and that the freeholders and inhabitants of each of the ſaid towns reſpectively, and the town officers to be by them elected, ſhall have the like power and privileges and be ſubject to like regulations and penalties as the freeholders,

inhabitants and town officers of the other towns in this state are entitled and subject to by law.

Supervisors and overseers to meet and apportion the poor among said towns.

And be it further enacted, That as soon as may be after the first Tuesday of April next, the supervisors and overseers of the poor of the towns aforesaid, shall, by notice to be given for that purpose by the supervisors of the towns aforesaid, meet together and apportion the poor maintained by the towns of Schoharie and Durlach previous to the division thereof, and to divide the money now in the hands of the overseers of the poor (for the use of the poor of the towns of Schoharie and Durlach) between the towns hereby erected, in an equitable manner, and each of the said towns hereby erected shall thereafter maintain their own poor respectively.

CHAP. XXXVI.

An ACT *providing a mean for procuring a Sum to the Western Inland Lock Navigation Company, to enable them more effectually and speedily to prosecute the improvements in the said Navigation.*

Passed 17th March, 1797.

Western inland lock navigation cannot be carried on without a the further sum of 250,000 dollars.

WHEREAS it has been suggested to the legislature on behalf of the said company, that they cannot prosecute the improvement in the said navigation to such effect and with such celerity as is desirable, unless they are furnished with the sum of two hundred and fifty thousand dollars, and which they are unable to raise by requisition on the stockholders, or otherwise to procure in this country; and that if the several persons for whose relief the act entitled "An act for the relief of William Willink, Nicholas Van Staphorst, Christian Van Eeghen, Hendrick Vollenhoven, Rutger Jan Schimmelpenninck and Peter Stadniski, being aliens," passed at the last session, and the act supplementary thereto, passed during the present session of the legislature, were passed, could be ascertained that their property and interest in the lands intended in the said acts would endure and continue until the benefits to be derived from the improvements in the said navigation would be so extended as thereby to increase the value of the said lands, that they would then probably from that consideration be induced to furnish a sum to the above amount to the said company: Therefore,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That if the thirteen persons named in the said acts, or any number of them, shall on or before the first day of January, in the year one thousand seven hundred and ninety-nine, furnish and pay, or secure to furnish and pay to the corporation of "The President, Directors and Company of the Western Inland Lock Navigation Company in the State of New-York," the sum of two hundred and fifty thousand dollars, either as part of the stock of, or a loan to the said company, or otherwise, and on such terms as shall be agreed on between the said company and the said persons, or any number of them, that then the term or period of seven years mentioned in the last section of the said act first above mentioned, shall be enlarged and extended to the term of twenty years from the passing of the said act; subject nevertheless to all and singular the other conditions and restrictions contained in the acts above mentioned or either of them. And the evidence

Willink and others authorised to hold their interest in said lands for 20 years instead of seven if they lend the corporation of the said company the sum of 250,000 dollars before a certain day.

that the said persons have furnished and paid or secured to furnish and pay the said sum to the said company, shall be a certificate thereof under the common seal of the said corporation, and which being acknowledged by the president of the said company for the time being before the chancellor, or a judge of the supreme court, may be recorded in the secretary's office of this state.

CHAP. XXXVII.

An ACT *for dividing the Town of Franklin in the County of Delaware.*

Passed 17th March, 1797.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the first Monday of April next, all that part of the town of Franklin, in the county of Delaware, within the following bounds, to wit, beginning at the Delaware river and running northwesterly on the division line between the town of Franklin and the town of Kortright, five miles, to a beach tree marked F W; thence running south sixty degrees west until it strikes the Line of Property so called; thence down the said Line of Property to the Delaware river; thence up the said river to the place of beginning, be, and hereby is erected into a separate town by the name of Walton, and the first town meeting shall be held at the meeting house in Union Society in said town of Walton.

Part of Franklin town in Delaware county erected into a town by the name Walton, and first town meeting where to be held.

And be it further enacted, That all the remaining part of the town of Franklin shall be and remain a separate town by the name of Franklin, and the first town meeting in the said town of Franklin, shall be held at the dwelling house of Sluman Wattles in said town.

Remainder of Franklin to retain its present name.

And be it further enacted, That the freeholders and inhabitants of the said towns shall be entitled to all the privileges, and be subject to all the penalties which the freeholders and inhabitants of the other towns in this state are subject to by by law.

Privileges of the inhabitants the same as in other towns.

And be it further enacted, That as soon as may be after the first Tuesday of April next, the overseers of the poor and the supervisors of the said towns shall after due notice being given for that purpose by the supervisors of the said towns, meet together and apportion the money and poor belonging to said town of Franklin previous to the division thereof, in as equitable a manner as may be, and in case the supervisors and overseers of the poor cannot agree in the division of the money and poor as aforesaid, then the supervisors of the county of Delaware at their annual meeting shall make such division of the money and poor aforesaid as shall appear most equitable to the major part of them.

Supervisors and overseers of the poor to divide and apportion the money and poor of the late town of Franklin between the said two towns.

CHAP. XXXVIII.

An ACT *for altering the Times of holding the Court of General Sessions of the Peace in and for the City and County of New-York, and for altering one of the Terms of the Courts of Common Pleas and General Sessions of the Peace in the county of Albany.*

Passed 17th March, 1797.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same*, That

from and after the ſecond Tueſday in May next, the court of general ſeſſions of the peace in and for the city and county of New-York ſhall be held on the firſt Tueſdays of July, October, January and April in every year; each of which ſeſſions of the peace may laſt, continue and be held until the ſeveral Tueſdays next following incluſive (Sunday excepted) any charter, law, cuſtom or uſage to the contrary notwithſtanding.

And be further enacted, That inſtead of the third Tueſday in January in every year, one of the times now preſcribed by law for holding the court of common pleas and general ſeſſions of the peace in and for the county of Albany, the ſame ſhall be held on the third Tueſday in February, in each and every year, and may be held and continued until the Tueſday next following incluſive, Sunday excepted.

CHAP. XXXIX.

An ACT *ſupplementary to the Act entitled, "an Act to improve the Navigation of Hudſon's River in the places therein mentioned.*

Paſſed 17th March, 1797.

WHEREAS it appears from the report of William Weſton, an engineer, employed by the directors of the northern inland lock navigation company, in conformity to the act entitled "an act to improve the navigation of Hudſon's river in the places therein mentioned," That in his opinion the expence of ſuch efficient improvement below the town of Troy as are contemplated by the ſaid act will exceed the ſum of four thouſand pounds, of which three thouſand pounds out of the treaſury of this ſtate was to be paid provided the reſidue ſhould be raiſed by ſubſcription:

4000l. is inſufficient.

AND WHEREAS it has been ſuggeſted to the Legiſlature, that if the ſaid ſum of three thouſand pounds ſhould be paid to the commiſſioners named in the firſt ſection of the ſaid act, a ſufficient ſum will be raiſed by ſubſcription to compleat the works in manner propoſed by the ſaid engineer: Therefore,

3000l. intended to be given by the ſtate, ſhould be paid, a ſufficient ſum could then be raiſed by ſubſcription.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the comptroller ſhall, and he is hereby required to direct the payment of ſeven thouſand five hundred dollars out of the treaſury of this ſtate unto Moſes Vail, Thomas L. Witbeck and Albert Pawling, or to their order, or to the order of any two of them. *Provided*, That they the ſaid Moſes Vail, Thomas L. Witbeck and Albert Pawling, or any two of them, ſhall previouſly have executed a bond to the people of this ſtate, and delivered the ſame to the ſaid comptroller, in the penal ſum of fifteen thouſand dollars, conditioned that they the ſaid Moſes Vail, Thomas L. Witbeck and Albert Pawling, or any two of them, ſhall well and truly and on or before the firſt day of January, one thouſand ſeven hundred and ninety-nine, conſtruct and complete the works for ſuch improvements, by a double row of piles driven nine or ten feet below the bed of the river, and the rows of piles parallel to each other, and at the diſtance of four feet from each other in the clear, and the interval between the rows of piles to be four feet, and well backed with faſcines and rubble ſtones, ſtring pieces twelve inches wide and ſix inches thick to be trunnelled on the outſide of each row of

Comptroller to direct the ſaid ſum of 3000l. to be paid out of the treaſury.

Manner in which ſaid improvements are to be conſtructed.

piles and those string pieces to be connected together by dove-tailed ties at every twelve feet in all the extent from the western shore to the Island opposite to the mill of Thomas L. Witbeck.

CHAP. XL.

An Act for the Relief of Nicholas Aldridge and others.

Passed 17th March, 1797.

WHEREAS it appears to the Legislature that the title to the west half of lot number eighty one in a tract of land known by the name of Jersey field, containing five hundred and twenty five acres (which said land was conveyed by the commissioners of forfeitures of the western district to John Andrus) has been defeated by a conveyance from Waldron Blaaw, the original proprietor thereof, to one Robert Gordon, antecedent to any forfeiture of the same lands being incurred by the said Waldron Blaaw: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the treasurer of this state be, and he is hereby required to pay to Nicholas Aldridge, to whom the said half lot was conveyed by this state, the sum of five hundred and twenty five dollars, the consideration money for the said land, together with the legal interest upon the same sum, from and after the seventeenth day of October, one thousand seven hundred and eighty six, until the passing of this act, upon his the said Nicholas Aldridge delivering up to the said treasurer the said deed of conveyance from the said commissioners of forfeitures, and also the conveyance from the said John Andrus to him, and releasing to the people of this state all interest, claim and demand he may have under the conveyances aforesaid.

Treasurer to pay Nicholas Aldridge 525 dollars.

AND WHEREAS it is represented to the Legislature by Joseph Caldwell and Thomas Bradshaw, that they are owners of lands in the town of Kingsbury, which were forfeited by the attainder of Daniel Jones, and sold by the commissioners of forfeitures for the eastern district, and that a demand is made for a balance of about one hundred and eighty seven and an half dollars, said to be due on a mortgage of the said premises made by the said Daniel Jones in the year one thousand seven hundred and seventy-three to William Thomas and Joshua Smith, late of the city of New-York: Therefore,

Be it further enacted, That the attorney general be and he is hereby directed to examine the said mortgage and ascertain what sum if any is legally due thereon, and certify the same to the comptroller, who shall direct the treasurer to pay the sum so certified, on cancelling the said mortgage.

And be it further enacted, That the treasurer pay unto Isaac De Graaf the sum of one hundred and twelve and an half dollars, with the interest at six per cent for the same from the twenty eighth day of August, one thousand seven hundred and eighty eight, out of any monies in the treasury not otherwise appropriated, in full for fifty four acres, three rods and thirteen perches of land, being part of a tract of six hundred and thirty one acres, sold by the commissioners of forfeitures for the western district to John Hudson, and conveyed by him to the said Isaac De Graaf, and which was previously sold by the said commissioners to Henry Pruym.

Treasurer to pay Isaac De Graaf 112 1-2 dollars in compensation.

And whereas it is repreſented to the legiſlature that Sir William Johnſon, baronet, deceaſed, deviſed ſeveral particular parts of a certain large tract of land called the Royal Grant to ſeveral particular perſons, and that ſome of the parts ſo deviſed as well as the reſidue of the ſaid tract afterwards became forfeited to and veſted in the people of this ſtate; and that the commiſſioners of forfeitures for the weſtern diſtrict of this ſtate have ſold the land ſo deviſed, and laid out other lands in another part of the ſaid tract, or in ſome other tract, for thoſe of the deviſees whoſe eſtate were not forfeited. And whereas the claims of ſome of the ſaid deviſees, their heirs or aſſigns, in ſome parts of the land ſo ſold, have been extinguiſhed by this ſtate, and their claims to other parts thereof ſtill remain unſatisfied, and ſome of the purchaſers of ſome of thoſe lands ſo ſold, their heirs and aſſigns are thereby prevented from improving or diſpoſing of the ſame: Therefore,

A remedy pointed out, and to be executed by Surveyor General.

Be it further enacted, That it ſhall and may be lawful for the ſurveyor general, and he is hereby directed to cauſe the land ſo laid out for the ſaid deviſees to be ſurveyed, and to convey to ſuch of them whoſe eſtates have not been forfeited, and who are willing to accept thereof, or their legal repreſentatives, and to their heirs and aſſigns for ever, the like quantity thereof as they are entitled to of the land ſo ſold, upon their releaſing to the purchaſers of the land ſo ſold all their eſtate, right, title, intereſt, claim and demand of, in and to the ſame. And if any perſons ſo intitled to any part of the ſaid land ſo ſold ſhall refuſe or neglect to accept ſuch conveyance, and to execute ſuch releaſe as aforeſaid, then and in every ſuch caſe it ſhall and may be lawful for the ſurveyor general, and he is hereby directed to convey to the purchaſers of the land ſo ſold and to their heirs and aſſigns forever, the like quantity of the land ſo laid out as they reſpectively purchaſed of the land ſo ſold, upon his or their delivering up to him the conveyances given by the ſaid commiſſioners for the ſame, and releaſing all his and their eſtate, right, title, intereſt, claim and demand therein to the people of this ſtate: And if any of the ſaid land ſo laid out ſhould remain after making ſuch conveyances as aforeſaid, or ſuch as the parties will accept, the ſurveyor general ſhall ſell the ſame at vendue for the beſt price he can get for the ſame; and it ſhall be the duty of the ſurveyor general to report to the legiſlature at their next ſeſſion what he ſhall have done in the premiſes.

CHAP. XLI.

An ACT *making further Proviſion for building the State Priſon in the City of New-York.*

Paſſed the 17th March, 1797.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall and may be lawful for the commiſſioners appointed by law for erecting and building the ſtate priſon in the city of New-York, to purchaſe one acre of land on the ſouth ſide and another acre of land on the north ſide of the land already purchaſed by them for the purpoſe of erecting and building the ſtate priſon in the city of New-York and adjoining the ſame land, and to take a conveyance or conveyances for the ſame to the people of the ſtate of New-York; and in order to enable them to pay for the ſaid additional land ſo to be purchaſed and to compleat the ſaid building ſo far at leaſt as to be fit for the recepti-

of prisoners as soon as possible, it shall and may be lawful for the treasurer of this state to pay to the said commissioners or their order, out of any money in the treasury not otherwise appropriated, such sums as they shall from time to time require, and for which the comptroller of this state shall issue his warrants, not exceeding in the whole seventy-five thousand dollars. And if there should not be money in the treasury sufficient to pay any such warrant then and in every such case it shall be lawful for the comptroller from time to time to borrow a sum sufficient for the purpose in the manner directed by the act for appointing a comptroller in this state.

CHAP. XLII.

An ACT *for the prevention of Fires and Regulating the Assize of Bread in the town of Brooklin, in Kings County, and for other purposes therein mentioned.*

Passed 21st March, 1797.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for such and so many of the freeholders and inhabitants of the town of Brooklyn in Kings county, who, by the act entitled, "An act for the better extinguishing fires in the town of Brooklyn in Kings county," are authorised to choose the fire-men of Brooklyn at their annual meetings mentioned in the said act, to choose in like manner as the said fire-men are chosen, not less than three nor more than five discreet freeholders, residing within the limits mentioned in the said act, who may from time to time make such prudential rules and regulations as they shall judge necessary for the prevention of fires by the burning of chimneys, and for the sweeping or otherwise cleaning of the same, under such penalties as they or a majority of them shall deem expedient, not exceeding the sum of five dollars for any one offence, to be recovered before any court having cognizance of the same, with costs of suit, in an action of debt, by any one of the freeholders so to be chosen as aforesaid, which sum when recovered shall be applied by the said freeholders so chosen as aforesaid for the defraying of the expence of providing lamps for lighting the streets in the said town. *Provided always*, That such rules and regulations so to be made as aforesaid by the said freeholders, shall be recorded by the clerk in the act mentioned, and advertised by the said freeholders in at least three public places within the limits in the aforesaid act mentioned, eight days before any person shall be liable to such penalties.

Brooklyn to choose persons for establishing rules for sweeping and cleaning chimneys.

Penalties how to be recovered & applied.

Regulations to be recorded and advertised.

And be it further enacted, That no baker or other person within the limits mentioned in the said act, shall after the second Tuesday in May next, sell any bread at any higher price or rate than bread of the like quality at the time of such sale shall be assized in and for the city of New-York by the corporation of the said city, under the penalty of one dollar for every offence, to be recovered by the overseers of the poor of the said town of Brooklyn, in any court having cognizance of the same, in an action of debt, with costs of suits, for the use of the poor of the said town.

Assize of bread in Brooklyn to be the same as in N. York.

And be it further enacted, That nothing contained in any law of this state now in being, or that shall or may be passed during the present session relative to roads or highways, shall be construed to make void,

abridge, or in any wiſe leſſen the rights and privileges granted to the city of Albany by charter.

CHAP. XLIII.

An ACT *to regulate Highways.*

Paſſed 21ſt March, 1797.

Governor and Council of appointment to appoint once in three years, three ſuperintendats of highways, in each county except 4.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly,* That the perſon adminiſtering the government of this ſtate for the time being, by and with the advice and conſent of the council of appointment, ſhall as ſoon as may be after the paſſing of this act, and once in every three years hereafter, appoint in each and every county in this ſtate, the city and county of New-York, the counties of Suffolk, Queens and Kings excepted, three ſuperintendants of highways, who ſhall hold their offices for three years, unleſs ſooner diſplaced by the ſaid council, or until others are appointed in their room; that all vacancies which ſhall happen by death, reſignation, removal from the country, or refuſal to ſerve, ſhall be ſupplied by the perſon adminiſtering the government of this ſtate, by and with the advice and conſent of the council of appointment; and that a majority of ſuperintendants, in each of the ſaid counties, ſhall form a board for the purpoſes herein after mentioned.

And be it further enacted, That it ſhall be the duty of the ſeveral boards of ſuperintendants to give directions relative to the making and repairing of the roads and bridges within the county for which they are reſpectively appointed, to apportion all monies granted for that purpoſe by the legiſlature among the commiſſioners of the reſpective towns, in ſuch proportion as they ſhall judge moſt conducive to the public good; to direct how any monies ariſing from the fines and commutations herein after mentioned, and which may be in the hands of the commiſſioners of any town, beyond what is requiſite for the highways committed to the care of ſuch commiſſioners, ſhall be expended on the highways, within the county; to hear and finally decide on all appeals from the deciſion of the commiſſioners; to decide on all caſes ſubmitted to them by the commiſſioners, in and general to eſtabliſh rules and directions for the more effectual carrying of the duties enjoined by this act into effect, with order, œconomy and diſpatch.

Superintendants duties

And be it further enacted, That the inhabitants in each of the towns in the counties aforeſaid, ſhall at their annual town meetings, chooſe three commiſſioners of highways, each of whom ſhall be a freeholder, and an inhabitant of the ſaid town; that it ſhall be the duty of the ſaid commiſſioners to carry into effect all ſuch orders as ſhall be given by the ſuperintendants of the reſpective counties to which they belong; to report to the ſuperintendants the difficulties which may occur in executing the truſt hereby repoſed in them, and to receive their directions in the premiſes; to regulate the roads already laid out, and to alter ſuch as they or a majority of them, ſhall conceive inconvenient, ſubject nevertheleſs to an appeal to the ſuperintendants of the county, by any perſon who ſhall conceive himſelf aggrieved by ſuch determination, whoſe deciſion in the premiſes ſhall be concluſive; to cauſe ſuch of the roads as are not already deſcribed and recorded to be aſcertained, deſcribed and entered of re-

Inhabitants in each town to chooſe three commiſſioners of highways.

Their duties.

cord in the town clerk's office; to cause to be kept in repair the highways and bridges erected, or which may be erected over Streams intersecting highways, to require the overseers from time to time, and as often as they shall deem necessary, to warn the people assessed to work on the highways to come and work thereon, with such implements, carriages, cattles, and sleds, as the said commissioners or any one of them shall direct. *Provided always*, That the person or persons making such appeal from the decision of the commissioners shall pay the costs and charges attending such appeal, in all cases where the superintendants shall not alter or reverse the determination of the commissioners so appealed from.

Commissioners to divide their towns into road districts.

And be it further enacted, That the commissioners for the time being of the respective towns, or the major part of them, shall at least ten days before the next annual town meeting, and so annually if they shall judge the same necessary, by writing under their hands to be lodged with the town clerk, and by him to be entered in the town book, divide their respective towns into as many road districts as they shall judge convenient.

Commissioners of any two towns disagreeing the superintendants to determine.

And be it further enacted, That when the commissioners of any town shall disagree with the commissioners of any other town, relative to the laying out of a new road, or the alteration of an old road, extending into both towns, they shall report such disagreement to the superintendants of the county, whose decision in the premises shall be final and conclusive; that when the commissioners of a town in one county shall disagree with the commissioners of a town in another county relative to laying out a new road or altering an old road, which shall extend into both counties, the commissioners of both towns shall meet together at the request of either disagreeing commissioner or commissioners, and their decision in the premises shall be final and conclusive; and if the commissioners of the two towns shall be equally divided in opinion, they shall refer the same to the superintendants of the two counties, whose decision in the premises shall be conclusive.

Inhabitants of each town to choose as many overseers as there are road districts, and overseers duty and allowance.

And be it further enacted, That the freeholders and inhabitants of the several towns in the counties made subject to this act, shall, at their annual town meetings, choose as many overseers of highways as there are road districts in each of the said towns respectively; that it shall be the duty of the said overseers to repair and keep in order the highways within the several districts for which they shall be elected, to warn the persons assessed to work on the highways in their respective districts, to come and work when required so to do by the commissioners, or any one of them; to collect all fines and commutation money, and to execute all such orders of the commissioners of the town to which they belong, as shall be given by them in conformity to law; and if any overseer shall be employed more days in executing the several duties enjoined on him by this act, than he is assessed to work on the highways, he shall be paid for the excess at the rate of one dollar per day, and be allowed to retain the same out of the monies which may come into his hands for fines in conformity to this act, but shall not be permitted to commute for the days he is assessed.

All male inhabitants above the age of 21 years to work on the roads.

And be it further enacted, That all freeholders, housekeepers, and every free male inhabitant, being above the age of twenty-one years, shall be assessed to work on the public roads and highways.

Commiſſioners to meet within ten days, to affix to the name of each perſon the number of days he is to work.

And be it further enacted, That the commiſſioners for each town in the ſeveral counties aforeſaid, ſhall meet within ten days after they ſhall be ſo choſen, at the place of town meeting, on ſuch day as they ſhall agree upon, and as often afterwards as need ſhall be, and at ſuch time and place as they ſhall think meet; that each of the overſeers of the road diſtricts reſpectively ſhall deliver a liſt, ſubſcribed by ſuch overſeer, to the clerk of the town for which he is elected or appointed, within eight days after the day of election, which liſts ſhall contain the names of all the inhabitants in ſuch road diſtrict who are in and by this act made liable to work on the highways; that the ſaid clerk ſhall deliver ſuch liſts to the commiſſioners of the town, who, or a majority of them, ſhall at their next meeting, or as ſoon as may be thereafter, affix to the names of each reſpective perſon mentioned in ſuch liſts reſpectively, the number of days which ſuch perſon ſhall be liable to work on the highways in the ſame year, to be determined by the commiſſioners in proportion to the eſtate and ability of each reſpective perſon; and the commiſſioners ſhall thereupon, after cauſing the clerk of the town to make a copy of ſuch liſt, and after the ſaid commiſſioners or a majority of them ſhall have ſubſcribed the copies of ſuch liſts, cauſe the ſame reſpectively to be delivered to the overſeer of the town who returned the ſame, in the manner herein before mentioned, or their ſucceſſors in office. *Provided always*, That if the name of any perſon ſhould be left out of ſuch liſts, or there ſhould be an acceſſion of new inhabitants, ſuch perſons whoſe names are omitted, or ſhall move into the town, ſhall from time to time be added to the ſaid liſt, and the perſons be rated by the ſaid commiſſioners to work on the highways. *Provided alſo*, That no perſon ſhall be aſſeſſed more than thirty days, nor leſs than one day in one year: *Provided alſo*, That the aggregate of all the days aſſeſſed in every town ſhall not be leſs than four times the number of perſons liable to be aſſeſſed within the ſame town.

Every perſon to work the whole number of days he is aſſeſſed, or commute at the rate of 40 cents per day.

And be it further enacted, That every perſon ſubjected by this act to work on the highways, other than an overſeer of the highways for the time being, and who ſhall be aſſeſſed in manner aforeſaid, ſhall work the whole number of days he ſhall be ſo aſſeſſed, or commute for the ſame, or ſuch number of them as he ſhall not work, at and after the rate of forty cents for each day, which money ſhall be paid to the overſeer of the highways of the diſtrict in which the perſon or perſons paying the ſame ſhall reſide, to be by the ſaid overſeer applied and expended in the improvement of the roads and bridges in the ſame diſtrict.

The uſe of a team, waggon, or plough equal to three days work.

And be it further enacted, That if any overſeer of the highways ſhall require any team, cart, waggon or plough with a pair of horſes or oxen, and a man to manage the ſame, from any perſon ſo aſſeſſed as aforeſaid, and having the ſame, and who ſhall not commute for the days he may be aſſeſſed, the perſon furniſhing the ſame when warned ſo to do by an overſeer, ſhall be entitled to a credit of three days work for one man, and the fine for neglect or refuſal ſhall be proportionable: that is to ſay, three times the fine to be impoſed for the neglect of one perſon for one day.

Any perſon warned to attend with a team, and refuſes, to forfeit one dollar.

And be it further enacted, That when any perſon aſſeſſed to work on the highways ſhall be warned by an overſeer to attend on a day and place certain, with ſuch implements, cattle and carriages as the overſeer ſhall require, and ſhall neglect

or refuſe to appear in perſon, or by an able bodied man as a ſubſtitute, or to bring with him ſuch implements, carriages or cattle as required, or ſhall remain idle, or not work faithfully, or hinder others from working; or neglect or refuſe to pay the commutation money in lieu of ſuch attendance, ſuch offender ſhall for each and every offence forfeit the ſum of one dollar; and it ſhall be the duty of ſuch overſeer, and he is hereby required, within ſix days thereafter, in every caſe in which he ſhall deem the excuſe for ſuch neglect or refuſal inſufficient, to make complaint thereof in writing under his hand to one of the juſtices of the peace of the town for which he ſhall be elected, if any there be, and if there is no juſtice of the peace in ſuch town, then to the next juſtice of the adjoining town, and the juſtice to whom ſuch complaint ſhall be made ſhall forthwith iſſue a warrant under his hand and ſeal, directed to any conſtable of the ward or town where ſuch delinquent ſhall reſide, commanding him to levy ſuch fine on the goods and chattels of ſuch offender, and the juſtice ſhall be entitled to receive twenty-five cents for iſſuing ſuch warrant, and the conſtable the like fees as are allowed for the like ſervices by the act, entitled, "An act for the more ſpeedy recovery of debts to the value of ten pounds," and ſhall forthwith pay the ſaid fines to the juſtice who iſſued the ſaid warrant, who is hereby required to pay the ſame to the overſeer who entered the complaint, to be by him expended in improving the roads and bridges in the diſtrict of which he is overſeer: *Provided*, that the whole of the coſts ſhall not exceed the ſum of three dollars: *and Provided alſo*, that no excuſe for refuſal or neglect on any occaſion ſhall exempt the perſon excuſed from working the whole number of days he may be aſſeſſed, or paying the commutation in lieu of it, during the year for which he ſhall be aſſeſſed, and that no perſon ſhall be required to work on any highway other than in the road diſtrict in which ſuch perſon reſides.

Perſons warned to work eight hours in each day or be liable to a penalty.

And be it further enacted, That every perſon aſſeſſed to work on the highways and who ſhall be warned to work, and ſhall appear in perſon, or by an able bodied man as a ſubſtitute, ſhall actually work eight hours in each day, and ſhall be liable to be fined in the ſum of twelve and an half cents for every hour ſuch perſon or ſubſtitute ſhall be in default, to be recovered and expended in like manner as the penalty for refuſing or neglecting to work when warned, is by this act directed to be recovered and expended.

Overſeers of highways to take an oath.

And be it further enacted, That every overſeer of highways to be choſen or appointed by virtue of this act, ſhall within ſix days after his election or appointment, and before he enters upon the duties of his office, take the following oath or affirmation, before a juſtice of the peace, viz. "I, A. B. elected (or appointed) an overſeer of highways in the town of in the county of do ſolemnly and ſincerely ſwear (or affirm) that I will honeſtly, faithfully and impartially, to the beſt of my underſtanding and ability, execute the duties enjoined on me as overſeer of highways."

And annually to render an account to the commiſſioners of all the perſons aſſeſſed to work, and how the money has been applied.

And be it further enacted, That each overſeer of highways to be choſen or appointed hereafter, ſhall on or before the laſt Tueſday in March within the year for which he is elected or appointed, render an account in writing to the commiſſioners of the town, or any two of them who ſhall meet together on that day for the purpoſe of receiving ſuch return of all perſons aſſeſſed to work on the highways in the diſtrict

of which he is overſeer, of all thoſe who have actually worked on the road or highway with the number of days they have ſo worked, of all thoſe who have been fined, and the ſums in which they have been fined, of all thoſe who have commuted, of the manner in which the monies arifing from fines and commutation have been expended, and ſhall pay to the commiſſioners all monies remaining in his hands unexpended, to be reported and paid to the ſuperintendants of the county, and employed in making and improving the roads and bridges in ſaid county, in ſuch manner as they ſhall direct; and if any overſeer ſhall neglect or refuſe to render ſuch account, or having rendered ſuch account, ſhall refuſe or neglect to pay any balance which may then be payable by him, he ſhall forfeit the ſum of two hundred dollars, to be recovered by the ſaid commiſſioners, or the ſurvivors or ſurvivor of them, in their or in his own names, by action of debt, in any court having cognizance thereof, with coſts of ſuit, and the forfeiture ſo recovered ſhall by the ſaid commiſſioners, or ſuch ſurvivors or ſurvivor of them, be accounted for or paid to the ſuperintendants of the ſame county.

Overſeer neglecting to render ſuch account to forfeit two hundred dollars.

And be it further enacted, That every overſeer of highways who ſhall neglect or refuſe to warn the people aſſeſſed to work on the highways to come to work with ſuch implements, carriages and cattle as may be neceſſary, when required ſo to do by the commiſſioners, or either of them, or to collect the monies that may ariſe from fines or commutation, or to perform any of the duties and ſervices required by this act, or which may be enjoined on him by the commiſſioners of the town of which he is elected, or a majority of them, ſhall forfeit for every ſuch neglect or refuſal the ſum of ten dollars, to be recovered by any one of the commiſſioners of the ſame town, in his own name, before any juſtice of the peace, in the ſame county, with coſts of ſuit, to be reported, paid and employed in the ſame manner as the monies to be paid into the hands of the commiſſioners by the preceding ſection of this act, are directed to be reported, paid and employed: And if any vacancy of overſeers ſhall happen by death or otherwiſe, the commiſſioners of the town in which ſuch vacancy ſhall happen, ſhall appoint other or others in his or their ſtead, and the overſeer or overſeers ſo appointed, ſhall have the ſame power, be ſubject to the ſame orders, and liable to the ſame fines, forfeitures and penalties, as overſeers choſen by this act are liable and ſubject to.

Overſeers of highways to forfeit ten dollars for every neglect of duty.

If a vacancy happens among the overſeers how it is to be filled.

And be it further enacted, That when any road ſhall be laid out through incloſed or improved lands, the owner or owners thereof ſhall be paid ſuch damages as ſuch owner or owners may ſuſtain by reaſon thereof, which damages ſhall be determined and aſſeſſed by two juſtices of the peace, and by the oaths of twelve reputable freeholders, not having an intereſt in the land ſo to be laid out into a road or highway; that the ſaid freeholders ſhall be ſummoned by any conſtable of the town in which ſuch road or highway ſhall be laid out as aforeſaid, by virtue of a warrant to be iſſued by the ſaid two juſtices of the peace for that purpoſe; and if any road within any town ſo laid ſhall be laid out at the requeſt of twelve reputable freeholders of ſuch town, as a common public highway, the whole of the ſaid damages together with the charges of the commiſſioners, and ſummoning the jury, ſhall be laid before the board of ſupervifors of

Where any road is laid out thro' incloſed or improved lands the owner to be paid his damages.

the county, who shall cause the same to be raised, levied and collected in the same manner as the county charges are by law directed to be raised, levied and collected, and to order the same to be paid to the commissioners of the said town, who shall pay the occupant the sum assessed to him and appropriate the residue to satisfy the costs; but if the road so to be laid out shall be for the particular convenience of one or more towns or neighbourhoods, then such towns or neighborhoods requiring the same shall pay and defray the whole of such damages and charges, and when such high road shall be so laid out and appraised, it shall be lawful for the commissioners of the town in which such road is laid out to order the overseers of the road district in which such road may be included to open and work the same. *Provided nevertheless*, That no road or highway shall be laid through any orchard or garden without the consent of the owner or owners thereof, if such orchard shall be of the growth of at least ten years, or such garden shall have been cultivated as such at least ten years before such highway or road shall be laid out.

No road to be laid through any orchard or garden.

And be it further enacted, That upon application to the commissioners of any town for a private road, the commissioners of the town in which such road is desired, shall cause the overseer of highways of the district to summon twelve freeholders of the same town to meet on a day certain, of which day notice shall be given by the overseer to the owner or occupant, and being so met they shall view the lands through which such road is applied for, and if they shall certify under oath that such road is absolutely necessary, the commissioners shall lay out the same, and cause a record thereof to be made in the town clerk's office, and shall cause the damages to be assessed in like manner as if the same was a public highway, which shall be paid by the person or persons applying for such road; and such road when so laid out, shall be for the use of such applicant or applicants, his or their heirs and assigns, but not to be converted to any other use or purpose than that of a road: *Provided always*, That the occupant or owner of the land through which such road shall be laid out, shall not be prevented from making use thereof as a road, if he shall signify his intention of making use of the same, at the time when the jury are to ascertain the damages sustained by laying out such road.

Private roads how to be applied for and laid out.

And be it further enacted, That all public roads to be laid out by the commissioners of any town, shall not be less than four rods wide, and all private roads shall not be more than four nor less than two rods wide.

What shall be the width of all roads.

And be it further enacted, That all public highways heretofore laid out, and allowed by any law of this state and now in use within the counties aforesaid, and of which a record shall have been made in the office of the clerk of the town, shall be taken and deemed as public highways and continue such unless altered in conformity to the provisions contained in this act: *Provided always*, That where any roads have been used as public highways for twenty years or more next preceding the passing of this act, the same shall be taken and deemed as public highways, although no record thereof has been made, unless they shall be altered in manner aforesaid.

All public high roads heretofore laid out to continue as such unless altered.

And be it further enacted, That if any perſon within any of the ſaid towns ſhall hereafter obſtruct any highway or road, or ſhall fill up or place any obſtruction in any ditch conſtructed for draining the water from any road, ſuch perſon ſo offending ſhall forfeit for every ſuch offence the ſum of five dollars, to be recovered with coſts of ſuit in the name of any perſon who ſhall make complaint thereof, before any juſtice of the peace of the county where the offence ſhall happen, upon the oath of one or more credible witneſs or witneſſes, and levied by diſtreſs and ſale of the goods and chattels of the offender, by warrant from the juſtice, to be directed to any conſtable of the town where ſuch offender ſhall reſide, and the ſaid conſtable is hereby required to pay ſuch penalty into the hands of the commiſſioners of the highways for the town wherein the offence was committed, to be by the ſaid commiſſioners reported and paid to the ſuperintendants of the county, and to be applied in improving the public roads and bridges within the county, in conformity to the directions of the ſaid ſuperintendants.

A penalty of forty ſhillings for obſtructing roads.

And be it further enacted, That in every caſe where a highway bas been laid out, and the ſame hath been encroached upon by any preſent or former occupant of the land through or by which ſuch highway runs, the commiſſioners of the town ſhall, if in their opinion it be deemed neceſſary, order the fences to be removed, ſo that ſuch highway may be of the breadth originally intended. And if ſuch removal ſhall not be made in ſixty days after ſuch notice given, the then occupant to whom the notice ſhall be given ſhall forfeit and pay the ſum of fifty cents for every day that ſuch fences ſhall continue unremoved, after the expiration of the ſaid ſixty days aforeſaid, to be recovered in like manner as penalties are directed to be recovered in the next preceding ſection of this act.

Penalty of fifty cents per day for encroaching upon roads.

Proviſo. If any occupant denies the encroachment, how it is to be determined.

Provided nevertheleſs, That in caſe of denial of ſuch encroachment by any occupant, the commiſſioners ſhall apply to any juſtice of the peace of the county for a precept, directed to an overſeer of the highways of the ſame town, to ſummon twelve freeholders thereof, to meet on a certain day, of which day notice ſhall be given by the overſeer to one of the commiſſioners and alſo to the occupant, on which day the jury ſo ſummoned, after being duly ſworn, ſhall enquire whether any encroachment hath been made and by whom, and if they ſhall find that ſuch encroachment hath been made, they ſhall certify the ſame and by whom, and if made by the then occupant or any former occupant, the then occupant ſhall remove his fences under the penalty aforeſaid, and ſhall pay all the coſts attendant on ſuch enquiry, to be recovered by any one of the commiſſioners before any juſtice of the peace of the county; but if they ſhall find that no encroachment hath been made, they ſhall ſo certify, and aſcertain the damages the then occupant hath ſuſtained by ſuch ſuit, which together with coſts of ſuit ſhall be paid by the commiſſioner or commiſſioners out of any monies in his or their hands appropriated to the making and repairing of highways. *Provided always*, That ſuch encroachment ſhall have been made within twenty years next preceding the paſſing of this act. *And Provided alſo*, That no perſon ſhall be obliged to remove any fence except between the firſt day of April and the firſt day of November in any year.

Penalty of fifty cents per day for having any tree that has fallen into any road or river.

And be it further enacted, That if any tree or trees which hereafter ſhall fall or be fallen by any perſon or perſons, his or their agents or ſervants, into any highway or into any river now uſed as an highway, and if a tree or trees ſo fallen ſhall not be removed, but continue in ſuch highway or river for the ſpace of two days after notice given thereof by any perſon, the perſon or perſons occupying the farm or lot from which ſuch tree or trees ſhall be fallen, ſhall forfeit the ſum of fifty cents for every tree which ſhall be ſo fallen or ſuffered to remain in ſuch highway or river until the third day, and a like ſum for every day thereafter until the ſame ſhall be removed, to be recovered and applied in the ſame manner as penalties for obſtructing roads are directed to be recovered and applied; and in caſe any perſon ſhall cut down any tree or trees on lands not occupied by him, ſo as that they ſhall fall into any highway or river as aforeſaid, unleſs by the order and conſent of the occupant, the perſon ſo offending ſhall forfeit to ſuch occupant the ſum of one dollar for ever tree ſo fallen, and the like ſum for every day the ſame ſhall remain therein, to be recovered as aforeſaid with coſts.

All trees ſtanding on any land to be laid out for a road to be for the uſe of the owner, with certain exceptions.

And be it further enacted, That all trees ſtanding or lying on or in any land through which any public highway ſhall be laid out, ſhall be for the proper uſe of the owner or occupant of ſuch land, except ſuch of them as may be requiſite to make or repair the highways or bridges on the ſame land.

No gates to be allowed on any roads with certain exceptions.

And be it further enacted, That no ſwinging or other gates ſhall be allowed on any public highway laid out by virtue of this act, or which has heretofore been laid out, other than ſuch public highways as run through lands liable to be overflowed by the waters of the adjacent rivers or ſtreams in ſuch manner as to remove the fences thereon: *Provided*, That all ſach gates ſhall be erected and kept in good repair by the overſeers of the highway of the town, at the proper coſts and charges of the occupant of the land for whoſe benefit the ſame ſhall be erected, and if more than one ſuch gate ſhall be erected, and the intermediate land between the gates at the extremeties of ſuch land, ſhall be in the occupation of more than one perſon benefited by ſuch gates, the whole charge of erecting and keeping the ſame in repair ſhall be borne by all the occupants benefited thereby, in proportion to the extent of land which each occupies, adjoining the highway between the gates at the extremity aforeſaid. And in caſe of the neglect or refuſal of any occupant to pay his or her proportion, the ſame ſhall be levied with coſts of ſuit, in like manner as fines are by this act directed to be levied for refuſing or neglecting to work on the highways; of all which gates an account ſhall be filed by the commiſſioners in the town clerk's office; and if any perſon or perſons ſhall ſtake or ſhore open any ſuch gate, and ſhall not immediately after having paſſed the ſame return and cloſe it, or ſhall wilfully and unneceſſarily ride over any of the grounds adjoining ſuch road on which ſuch gates ſhall be permitted, to the damage of the occupant or occupants thereof, each offender ſhall forfeit for every ſuch offence the ſum of one dollar, to be recovered by any one of the commiſſioners of the ſame town, in the manner preſcribed by this act for recovering fines for neglect or refuſal to work on the highways: *Provided*, That ſuch penalty ſhall not be deemed a ſatisfaction for ſuch damage, but

Penalty of one dollar for ſtaking open any ſuch gate.

the occupant or occupants of ſuch grounds ſhall be entitled to an action for the recovery of damages, the payment of ſuch penalty notwithſtanding.

Superintendants to meet on every ſecond Tueſday in May.

And be it further enacted, That the ſuperintendants to be appointed in the ſeveral counties in conformity to the directions contained in this act, ſhall meet on the ſecond Tueſday in May in every year, at the place in each of the ſaid counties in which the court of general ſeſſions of the peace for the ſame county was laſt held, previous to the ſaid day of meeting, and as often afterwards at ſuch time and place as a majority of them ſhall agree upon, in order to hear the reports of the commiſſioners, and to receive the monies directed by this act to be paid into their hands, to hear and determine all appeals from the deciſion of the commiſſioners, to eſtimate the ſums of money neceſſary to be raiſed for making and improving the roads and bridges in the county, and in general to execute the power veſted in them by this act; and that the ſaid ſuperintendants ſhall be allowed to retain out of the monies which may come into their hands the ſum of two dollars per day for every day they ſhall be employed in executing the duties enjoined on them by this act.

Commiſſioners annually to lay before ſuperintendants a report of the ſtate of the roads, the amount of the receipts, &c.

And be it further enacted, That the commiſſioners of each town in the counties aforeſaid, ſhall in every year hereafter lay before the ſuperintendants of the county, at their annual meeting on the ſecond Tueſday in May, an account of the labour aſſeſſed and performed, the ſums which have been received for fines and commutation reſpectively, and the improvements which have been made in each of the reſpective towns during the year immediately preceding ſuch report, together with an account of the ſtate of the roads and bridges, with a ſtatement of the improvements neceſſary to be made, and an eſtimate of the expence of making ſuch improvements, beyond what the labour aſſeſſed and the commutation monies in the lieu of it will accompliſh, in each of the towns in the aforeſaid counties reſpectively for the enſuing year; and the ſuperintendants in each of the reſpective counties, at their annual meeting on the ſecond Tueſday in May, ſhall examine the reports of the commiſſioners of the reſpective towns in the ſaid county, and eſtimate the ſums neceſſary to make ſuch improvements in the roads and bridges in the county as they may deem requiſite; and the ſaid ſuperintendants ſhall lay the ſaid eſtimate before the ſupervifors of the county at their annual meeting on the laſt Tueſday in May, who are hereby required to cauſe the ſame to be aſſeſſed, levied and collected in the county, in the ſame manner as the neceſſary and contingent charges of the county are by law directed to be levied and collected; which ſum ſhall be paid by the collectors of the reſpective towns into the hands of the treaſurer of the county, to be by him paid to the ſuperintendants or their order, to be employed and expended in making, altering and improving the roads and bridges in the county for which they are ſuperintendants, in ſuch manner as they or a majority of them ſhall direct. *Provided*, The monies to be raiſed ſhall not in any one year exceed the ſum of one thouſand dollars.

Superintendants annually to account with ſupervifors.

And be it further enacted, That the ſuperintendants of the ſeveral counties ſhall render an account to the ſupervifors of the county for which they are ſeperintendants at their annual meeting on the laſt Tueſday in May, of all monies

by them received and expended in conformity to this act during the year preceding.

And be it further enacted, That each of the commissioners shall be allowed the sum of one dollar per day for every day they shall be employed in executing the duties enjoined on them by this act, to be retained out of the monies directed to be paid into their hands by this act, and to be accounted for to the superintendants of the county at their annual meeting.

Superintendants to cause mile stones or posts to be erected on certain roads.

And be it further enacted, That the superintendants of highways of the counties respectively, out of any monies which may come into their hands by virtue of this act, shall cause proper stones or posts to be erected by one of the sides of the post road leading from Kingsbridge to Albany, thence to Schenectady, thence on the highways nearest the Mohawk river, and on both sides thereof, to Old Fort Schuyler, at the distance of one mile from each other, and shall cause to be engraved or carved on each, such number, words and device as they shall direct. And if any person shall wilfully injure, destroy or carry away any such stone or post, or deface the number, words or device thereon, the offender shall pay for such offence the sum of ten dollars, to be recovered by any one of the commissioners or overseers of the roads and highways, before a justice of the peace in the same manner as penalties for other offences in contravention of this act are directed to be recovered; part of which shall, by the person recovering the same, be employed in repairing such stone, post, words or device, and the residue in the same manner as monies arising for the penalties for obstructing roads or highways are by this act directed to be employed.

Ten dollars penalty for destroying or defacing a mile stone.

Superintendants to cause guide posts to be erected at the intersection of all post roads &c.

And be it further enacted, That the superintendants of each of the counties aforesaid, shall out of any monies which may come into their hands by virtue of this act, cause guide posts, with proper descriptions and devices to be erected at the intersections of all the post roads in this state, bye-roads leading to or from any town, village or landing: And it shall be the duty of the overseers of the highways in the several towns to maintain and keep in repair such guide post or guide posts as may be erected by order of the superintendants within the limits of the districts for which they are elected or appointed respectively; and every person who shall injure or deface such description, or destroy such guide post or guide posts, shall forfeit the sum of ten dollars, to be recovered by any one of the commissioners and overseers of highways of the town, before any justice of the peace of the county, in the same manner as penalties for obstructing roads are directed to be recovered, part of which to be appropriated by the person recovering the same in replacing such post, or repairing such injury, and the remainder to be paid in the same manner as penalties for obstructing roads are directed to be paid.

Width between all waggon wheels to be not less than five feet.

And be it further enacted, That from and after the first day of September next, all new waggons to be built in any part of this state, shall be so constructed as that when the wheels are placed upon the axletrees the outside of the fellows of the two wheels on the same axletree shall not be less than five feet asunder.

Penalty on waggons not constructed after the above rule.

And be it further enacted, That if after the first day of September next, the owner of any waggon shall travel therewith, or shall suffer any other person to travel therewith on any public highway, if the same shall be a waggon constructed after

the day laſt aforeſaid, and ſhall not be made as to the axletrees and wheels in conformity with the dimenſions mentioned in the laſt preceding ſection, ſuch owner being an inhabitant of this ſtate, ſhall forfeit the ſum of one dollar when and as often as ſuch waggon ſhall be found ſo travelling as aforeſaid, to be recovered and applied in like manner as penalties for obſtructing roads are directed to be recovered and applied. *Provided*, That no more than one ſuch forfeiture by the owner of the ſame waggon ſhall be incurred in the ſame day.

And be it further enacted, That the act entitled, "An act relative to the roads and highways in the city of Hudſon," be and the ſame is hereby repealed, and that the city of Hudſon ſhall be conſidered as a town for all the purpoſes contemplated in this act.

And be it further enacted, That all public acts relative to the highways in this ſtate, except ſuch as relate to the city and county of New-York, the counties of Suffolk, Queens and Kings, ſhall be and hereby are repealed.

CHAP. XLIV.

An ACT *ſupplementary to an Act entitled, "an Act for the relief of the Indians reſiding in New Stockbridge and Brothertown.*

Paſſed the 23d March, 1797.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That all that tract of land, being a tract of ſix miles ſquare confirmed by the Oneida Indians to the Stockbridge Indians at the treaty held at Fort Stanwix in the year one thouſand ſeven hundred and eighty-eight, ſhall be and remain to the ſaid Stockbridge Indians and their poſterity for ever, but without any power of alienation or right of leaſing the ſame or any part thereof; and that all and every law of this ſtate giving or granting any right or power of leaſing the ſaid lands or any part thereof ſhall be and hereby is repealed.

And be it further enacted, That if any white perſon whomſoever ſhall enter upon any of the lands commonly called New Stockbridge, whether ſuch land is or ſhall be allotted to any particular Indian, or remain as the common property of the ſaid Indians, and ſhall there cut down any timber or improve any ſuch land, the perſon ſo doing ſhall be deemed guilty of a treſpaſs, the conſent of any Indian other than the conſent of the peace makers, notwithſtanding, ſhall forfeit and pay the ſum of twenty-five dollars for each offence; and it ſhall and may be lawful for the peace makers to proſecute for and recover ſuch forfeiture with coſts of ſuit in any court having cognizance thereof, which forfeiture when recovered, ſhall be applied by the peace makers to ſuch uſes as they ſhall deem moſt beneficial to the Indians reſiding on the tract aforeſaid.

And be it further enacted, That the Reverend John Serjeant, miſſionary to the ſaid Indians, ſhall have the like remedy for the recovery of any debt or demand which he may have againſt any Indian or Indians in New Stockbridge aforeſaid, as they have againſt each other by the ſixth ſection of the ſaid act.

And be it further enacted, That it ſhall and may be lawful for the male Indians reſiding in and being inhabitants of New Stockbridge aforeſaid, above the age of twenty-one years, at their annual meetings by a majority of votes, to make ſuch bye-laws as they ſhall judge neceſſary for the

improvement of their common land, laying out and working on highways, regulating fences and the treſpaſſing of cattle, under ſuch penalties as they ſhall judge proper, not exceeding the ſum of three dollars for one offence, to be recovered before the ſaid peace makers by any perſon who will ſue for the ſame, in like manner as debts are recovered by the ſaid act for the uſe of the Indians in New Stockbridge, in ſuch manner as the ſaid peace makers ſhall direct.

And be it further enacted, That all contracts made, or hereafter to be made, of undivided land in New Stockbridge from one Indian to another, ſhall be and hereby are declared null and void.

CHAP. XLV.

An ACT *to regulate the Practice of Phyſic and Surgery in this State.*

Paſſed the 23d March, 1797.

BE *it enacted by the People of the State of New-York, repreſented in the Senate and Aſſembly*, That from and after the firſt day of October next, no perſon whomſoever now practiſing phyſic or ſurgery, or adminiſtering medicine, or performing ſurgical operations, ſhall continue ſo to do within this ſtate unleſs he ſhall have produced ſatisfactory evidence to the chancellor, one of the judges of the ſupreme court, a maſter in chancery, or one of the judges of the courts of common pleas within this ſtate, that he has practiſed phyſic or ſurgery or both, as the caſe may be, for the term of two years next preceding the day aforeſaid, or ſhall in manner aforeſaid have produced ſatisfactory evidence that he has ſtudied phyſic or ſurgery or both, as the caſe may be, with one or more reputable phyſicians or ſurgeons for the term of two years, and ſhall have obtained from the magiſtrate or officer before whom ſuch evidence ſhall be adduced, a certificate under his hand and ſeal that ſuch ſatisfactory evidence has been produced to him, and the perſon in whoſe favor any ſuch certificate ſhall be given, ſhall file the ſame in the office of the clerk of the county wherein he reſides, and take a certified copy thereof ſubſcribed by the clerk. And each and every perſon who ſhall continue ſo to practice as aforeſaid after the ſaid firſt day of October next, and ſhall not have obtained ſuch certificate, and have filed the ſame in manner aforeſaid, and ſhall thereafter practice phyſic or ſurgery, adminiſter medicine, or perform ſurgical operations, ſhall for every ſuch offence forfeit and pay the ſum of twenty-five dollars, to be recovered by action of debt, with coſts of ſuit, in any court having cognizance thereof, one half thereof to the uſe of the perſon who ſhall proſecute for the ſame, and the other half to the uſe of the county in which conviction ſhall be had, to be by order of the court paid to the treaſurer thereof.

No perſon practiſing phyſic or ſurgery in the city of New-York to continue it without proving that he has already practiſed two years.

Any perſon practiſing without ſuch proof to forfeit 25 dollars.

And be it further enacted, That from and after the firſt day of October next, no perſon whomſoever (other than ſuch as may practice phyſic or ſurgery in conformity to the preceding ſection of this act) ſhall practice phyſic or ſurgery, adminiſter medicine, or perform ſurgical operations within this ſtate (except under the immediate direction of the phyſician or ſurgeon with whom he ſerves an apprenticeſhip or ſtudies to qualify himſelf to become a phyſician or ſurgeon) unleſs he ſhall produce to the chancellor, one of the

Other perſons than thoſe aforementioned to practice without a certificate.

judges of the ſupreme court, a maſter in chancery, or one of the judges of the courts of common pleas within this ſtate, a certificate ſubſcribed by one or more phyſicians or ſurgeons with whom he has ſerved an apprenticeſhip for the purpoſe of being taught the art of phyſic and ſurgery, or with whom he has ſtudied for that purpoſe, ſpecifying and declaring that the perſon in whoſe favor ſuch certificate is given, hath regularly ſtudied phyſic or ſurgery or both (as the caſe may be) with the ſubſcriber or ſubſcribers of ſuch certificate for the term of four years, and that he is ſufficiently qualified to practice phyſic or ſurgery, or both (as the caſe may be) to which certificate, if the ſubſcriber or ſubſcribers be reſident within this ſtate, he or they ſhall make oath before either of the magiſtrates or officers herein before mentioned, and the magiſtrate or officer by whom ſuch oath ſhall be adminiſtered, ſhall then endorſe on ſuch certificate a permit that the perſon therein named is in conformity of law permitted to practice phyſic or ſurgery, or both (as the caſe may be) within this ſtate, and ſhall ſubſcribe ſuch permit with his name, and affix his ſeal thereto; and the perſon in whoſe favor ſuch permit ſhall be granted ſhall file the ſame in the office of the clerk of the county wherein he reſides, and ſhall take a certified copy thereof. And each and every perſon who ſhall practice phyſic or ſurgery without ſuch permit, and without having filed the ſame in manner aforeſaid, ſhall for every ſuch offence forfeit and pay the ſum of twenty-five dollars, to be recovered and applied in like manner as is directed with reſpect to the forfeiture mentioned in the firſt ſection of this act. *Provided always*, That if the perſon in whoſe favor ſuch certificate ſhall be given ſhall produce ſatisfactory evidence that he has been graduated in any college or univerſity in this ſtate or elſewhere, then he ſhall be entitled to ſuch permit as aforeſaid, altho' he ſhould not have ſtudied phyſic or ſurgery, or both (as the caſe may be) any longer than three years. *Provided alſo*, That if any ſuch certificate ſhall be given and atteſted to by one or more phyſicians or ſurgeons not reſident within this ſtate, the ſame ſhall be atteſted to before and certified under the hand and ſeal of a judge of the ſupreme or ſuperior court of the ſtate in which ſuch certifying phyſician or ſurgeon ſhall reſide, and be produced to the chancellor or one of the judges of the ſupreme court of this ſtate; and if it ſhall appear to the chancellor or judge that in his eſtimation the certificate and ſignature of the judge before whom ſuch atteſtation is made is genuine, he ſhall then and not otherwiſe endorſe thereon ſuch permit as aforeſaid. *Provided further*, That if any phyſician or ſurgeon with whom a perſon applying for ſuch permit has ſtudied phyſic or ſurgery or both, ſhould be dead, or not reſident within this ſtate, ſuch permit may nevertheleſs be granted upon ſatisfactory evidence being adduced of ſuch death or non-reſidence, together with ſatisfactory proof that he has ſtudied phyſic or ſurgery, or both (as the caſe may be) for the term of four years, in which proof ſhall be ſpecified the name or names of the phyſicians or ſurgeons with whom he has ſtudied.

If ſuch apprentice has been graduated at any college, then three years ſtudy of phyſic ſhall entitle him to practice.

AND WHEREAS upon ſudden emergency it may be neceſſary to apply for aid from perſons not qualified to practice phyſic or ſurgery in conformity to this act: Therefore,

Be it further enacted, That in every ſuch caſe it ſhall and may be lawful for any perſons not authoriſed by this act, to practice phyſic or ſurgery, to adminiſter medicine and to perform ſurgical operations, but ſhall not aſk, demand or recover any compenſation therefor.

Any perſon on an emergency may adminiſter medicine but ſhall receive no pay.

And be it further enacted, That nothing in this act contained shall be construed to affect any person who may have obtained, or shall hereafter obtain the degrees of batchelor or doctor of medicine, or any other degree or licence conferring a right to practice physic or surgery in any academy, college or university within this state or elsewhere having authority to confer such degree. *Provided*, That the person having obtained or who shall obtain such degree, shall file a copy thereof in the office of the secretary of this state, or in the office of the clerk of the county wherein he resides; but until such copy shall be so filed, the person in whose favour such diploma has been given shall not practice physic or surgery within this state without being liable to the forfeiture and payment of twenty five dollars, to be recovered and applied as other forfeitures by this act are directed to be recovered and applied.

This act not to affect any person who has obtained the degrees of batchelor or doctor of Medicine.

And be it further enacted, That nothing in this act contained shall be construed so as to prevent any physician or surgeon resident in any other state from practising within this state upon any particular occasion upon the special request of a physician or surgeon entitled by this act to practice physic or surgery within this state.

Nor to prevent physicians from other states from practising on particular occasions

And be it further enacted, That if any person shall counterfeit any certificate or permit intended by this act, and shall be thereof convicted in the supreme court, any of the circuit courts or court of general sessions of the peace, the court shall in their discretion punish the offender by fine and imprisonment, and the person so convicted; if a practising physician or surgeon, shall never thereafter be permitted to practice physic or surgery within this state. *Provided always*, That such fine shall not exceed one hundred dollars.

Penalty for counterfeiting any certificate or permit.

And be it further enacted, That the act entitled "an act to regulate the practice of physic and surgery in the city and county of New-York," shall be and hereby is repealed from and after the said first day of October next.

CHAP. XLVI.

An ACT *for dividing the Town of Schuyler in the County of Herkemer.*

Passed the 24th March, 1797.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the first Monday of April next, all that part of the town of Schuyler bounded as follows, viz. Beginning at a point in the westerly line of the said town four miles northerly in the direction of the said westerly line from the Mohawk river, thence northerly on the said town line to the northwest corner thereof, thence easterly along the line of the said town to the Great Falls on the Canada creek, thence down said creek to the northwest corner of lot number fifty-five on Gage's patent so called, thence on the west line of said patent southerly to the northwesterly corner of lot number eighteen on said patent, thence westerly on a straight line to the place of beginning, shall be and is hereby erected into a separate town by the name of Trenton. And that the first town meeting be holden at the dwelling

A certain part of the town of Schuyler in Herkemer county erected into a new town by the name of Trenton.

houſe of Thomas Weeks in ſaid town. And that all the remaining part of the ſaid town of Schuyler be and remain a ſeparate town by the name of Schuyler; and that the firſt town meeting in ſaid town ſhall be held at the houſe of George G. Weber.

And be it further enacted, That the freeholders and inhabitants of each of the reſpective towns hereby erected ſhall be and hereby are impowered to hold town meetings and elect town officers as the freeholders and inhabitants of other towns in this ſtate may do by law; and that the inhabitants of each of the ſaid towns reſpectively, and the towns officers to be by them elected, ſhall have the like powers and privileges, and be ſubject to the like regulations and penalties as the freeholders, inhabitants and town officers of other towns in this ſtate are entitled and ſubject to by law.

Supervisors and overſeers to apportion the poor between ſaid towns.

And be it further enacted, That as ſoon as may be after the firſt Tueſday of April next, the ſupervisors and overſeers of the poor of the towns aforeſaid, ſhall by notice to be given for that purpoſe by the ſupervisors thereof, meet together and apportion the poor maintained by the ſaid town of Schuyler and the poor money belonging to the ſame previous to the diviſion thereof, in an equitable manner. And if the ſupervisors and overſeers of the poor cannot agree upon ſuch diviſion of the poor and poor money as aforeſaid then and in ſuch caſe the ſupervisors of the county of Herkemer ſhall at their next meeting apportion and divide the poor maintained and the poor money as aforeſaid, in ſuch manner as ſhall appear to them moſt juſt and equitable, and the ſaid towns thereafter reſpectively ſhall maintain their own poor.

CHAP. XLVII.

An ACT *for dividing the Town of Sangerfield, in the County of Herkemer,*

Paſſed 24th March, 1797.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That from and after the Monday preceding the firſt Tueſday of April next, all that part of the town of Sangerfield lying eaſterly of the diviſion line between the third and fourth quarters of the twentieth townſhip ſo called, be, and is hereby erected into a ſeparate town by the name of Bridgewater, and that the firſt town meeting in the ſaid town ſhall be held at the dwelling houſe of Thomas Convers in ſaid town.

And be it further enacted, That all the remaining part of the town of Sangerfield be and remain a ſeparate town by the name of Sangerfield, and that the firſt town meeting in ſaid town ſhall be held at the dwelling houſe of Ebenezer Hale.

And be it further enacted, That the freeholders and inhabitants of the ſaid towns reſpectively ſhall be and hereby are impowered to hold town meetings and elect ſuch town officers and enjoy all the previleges that the freeholders and inhabitants of other towns in this ſtate may do by law.

And be it further enacted, That as ſoon as may be after the firſt Tueſday of April next, the ſupervisors and overſeers of the poor of the towns aforeſaid, ſhall by notice to be given for that purpoſe by the ſupervisors of the towns aforeſaid meet together and apportion the poor main-

tained previous to the diviſion thereof, together with the money belonging to the ſame between the ſaid towns in a juſt and equitable manner: And if the ſupervisors and overſeers of the poor cannot agree upon ſuch diviſion as aforeſaid, then and in ſuch caſe the ſupervisors of the county ſhall at their next meeting apportion and divide the poor and money as aforeſaid in ſuch manner as ſhall appear to them juſt and equitable, and the ſaid towns ſhall thereafter reſpectively maintain their own poor.

CHAP. XLVIII.

An ACT *for the better extinguiſhment of Fires in the Village of New Burgh in the County of Ulſter.*

Paſſed 24th March, 1797.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall and may be lawful for the freeholders and inhabitants living in the town of New Burgh, having a right to vote at town meetings, and reſiding within the following limits, to wit, beginning at a place on the weſt bank of Hudſon's river, where a due weſt line will run ſix rods north of the academy, the ſame line to be continued to the weſt line of the German patent, then ſouth along the ſaid weſt line to the ſouth line thereof, then eaſterly along the ſouth line of ſaid patent to Hudſon's river, then northerly along the ſame to the place of beginning, to be called the village of New Burgh, to meet together at ſuch place in the ſaid village of New Burgh, as the truſtees herein after directed to be choſen ſhall appoint, on the firſt Monday in may in every year, and then and there proceed to chooſe by ballot not leſs than three nor more than five truſtees, to be called the truſtees of the fire company in the village of New Burgh.

And be it further enacted, That the firſt meeting of the freeholders and inhabitants in ſaid village for the purpoſes aforeſaid, ſhall be holden at the houſe of Francis Brewſter.

Truſtees to appoint firemen to manage the engines, &c.

And be it further enacted, That the ſaid truſtees to be choſen as aforeſaid, or a major part of them, ſhall have full power and authority to nominate and appoint a ſufficient number of firemen (willing to accept) not exceeding twenty to every fire engine now provided or hereafter to be provided for the uſe of the ſaid village, out of the inhabitants being freeholders, or perſons renting tenements to the value of one hundred dollars per annum, to have the care, management, working and uſing the ſaid fire engines, and the other tools and inſtruments now or hereafter to be provided, for the extinguiſhing of fires within the ſaid village, which perſons ſo to be nominated and appointed as aforeſaid, ſhall be called the firemen of the village of New Burgh, who are hereby required to be ready at all fires as well by night as by day, to manage, work and uſe the ſaid fire engines and other tools and inſtruments aforeſaid,

Certain exemptions and privileges allowed the firemen.

And be it further enacted, That each of the perſons ſo to be nominated and appointed a fireman, ſhall, during his continuance in office, be exempted and privileged from ſerving in the office of conſtable, and from being impannelled upon any jury or inqueſt (except in the juſtices courts within ſaid village) and for this purpoſe the name of each fireman to be appointed by virtue of this act ſhall be entered with the clerk of the town of New Burgh, and his

certificate ſhall be ſufficient evidence in all courts and elſewhere of ſuch exemption and privilege. And further that ſaid truſtees or a major part of them ſhall have power from time to time to remove any firemen ſo to be appointed and others to appoint in the ſtead of thoſe removed, when and as often as they ſhall think proper. And further that it ſhall be lawful for the ſaid truſtees or a major part of them to make, eſtabliſh and ordain ſuch rules and regulations for the government, duty and behaviour of the perſon ſo to be appointed firemen as aforeſaid, in the working and frequent uſing and trying the ſaid fire engines, tools and inſtruments, and to impoſe ſuch reaſonable fines and penalties (not exceeding five dollars for any one offence) upon ſuch firemen or any of them, for default in performing the duties hereby to be enjoined or required from them, as they from time to time may think proper.

Truſtees may remove any of the firemen and preſcribe rules for their government.

And be it further enacted, That upon the breaking out of any fire within the ſaid village, the truſtees aforeſaid and conſtables of ſaid town of New Burgh, then being in ſaid village, upon notice thereof, ſhall immediately repair to the place where ſuch fire ſhall happen, with ſtaves and ſuch other badges of authority as ſhall be ordained by a majority of them to be worn, and be aiding and aſſiſting as well in extinguiſhing the ſaid fires as in preventing any goods from being ſtolen, and alſo in removing and ſecuring the ſame, and in the execution of the duties required of them by this act, together with the juſtices of the peace if any ſhall be preſent. They are hereby authorized to command the aſſiſtance of all and every of the able bodied inhabitants of ſaid village, whoſe duty it ſhall be to obey and execute all orders and directions of the truſtees and magiſtrates aforeſaid, in extinguiſhing ſaid fires, removing and ſecuring of goods, providing water for the engines, and aſſiſting the firemen in working the ſame.

Truſtees and conſtables to attend on the breaking out of a fire.

And be it further enacted, That it ſhall be lawful for the truſtees aforeſaid or a major part of them to direct and require the inhabitants or owners of dwelling houſes and other buildings in ſaid village to provide themſelves with ſuch and ſo many fire buckets, to be ready in ſuch houſes and buildings for the purpoſe of extinguiſhing fires, and to impoſe ſuch reaſonable fines and penalties for diſobedience thereof as they ſhall think proper, not exceeding the ſum of three dollars for each bucket which ſhall be neglected to be furniſhed as aforeſaid.

Truſtees to direct the inhabitants to furniſh themſelves with fire buckets.

And be it further enacted, That all fines incurred and adjudged to be levied by the truſtees aforeſaid, ſhall be recovered by any one of ſaid truſtees aforeſaid in his own name, before any juſtice of the peace in the ſame county, with coſts of ſuit, to be reported to the ſaid board of truſtees and appropriated by a majority of the ſame for the purpoſe of procuring and keeping in repair the fire engines and other inſtruments neceſſary for the extinguiſhing of fires in the ſaid village of New Burgh.

All fines how to be recovered and applied.

CHAP. XLIX.

An ACT *for the better extinguiſhing of Fires in the Town of Kingſton, in the County of Ulſter.*

Paſſed the 24th March, 1797.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall and may be lawful for the truſtees of the

freeholders and commonalty of the town of Kingston in the county of Ulster, or the major part of them, to nominate and appoint a sufficient number of men (willing to accept) residing within half a mile of the court house, not exceeding twenty to every fire engine now provided or hereafter to be provided for the use of the said town, to have the care, management, working and using the said fire engines and other tools and implements now or hereafter to be provided for extinguishing fires within the said town: which persons so to be nominated and appointed as aforesaid, shall be called the firemen of the town of Kingston, who are hereby required to be ready at all fires, as well by night as by day, to manage, work and use the said fire engines and other tools and implements aforesaid.

Firemen to have certain exemptions and privileges.

And be it further enacted, That each of the persons so to be nominated and appointed a fireman, shall, during his continuance in office, be exempted and priviledged from serving in the office of constable, and from being impannelled upon any jury or inquest, and for this purpose the name of each fireman to be appointed by this act, shall be entered with the clerk of the said county, and his certificate shall be sufficient evidence in all courts and elsewhere of such exemption and privilege.

Trustees may remove any fireman, and establish rules for their government.

And further, that the said trustees, or a majority of them, shall have power from time to time to remove any fireman so to be appointed, and others to appoint in the stead of those removed, when and as often as they shall think proper. And further, that it shall be lawful for the said trustees, or a majority of them, to make, establish, and ordain such rules and regulations for the government, duty and behaviour of the persons so to be appointed firemen as aforesaid, in the frequent working, using and trying the said fire engines, tools and other implements, and to impose such reasonable fines and penalties upon such firemen, or any of them, for default in performing the duties thereby to be enjoined or required from them, as they from time to time may think proper, not exceeding the sum of five dollars for any one offence.

Trustees and constables on the breaking out of any fire, to attend with badges.

And be it further enacted, That upon the breaking out of any fire within the limits aforesaid, the trustees aforesaid, and constables of the said town of Kingston then being in the limits as aforesaid, upon notice thereof, shall immediately repair to the place where such fire shall happen, with staves and such other badges of authority as shall he ordained by a majority of them to be worn, and be aiding and assisting as well in extinguishing the said fires, as in preventing any goods from being stolen, and also in removing and securing the same, and in the execution of the duties required of them by this act, together with the justices of the peace if any shall be present; they are hereby authorised to command the assistance of all and every of the able bodied inhabitants within the limits aforesaid, whose duty it shall be to obey and execute all orders and directions of the justices and trustees aforesaid in extinguishing said fires, removing and securing of goods, providing water for the engines, and assisting the firemen in working the same.

And to direct the inhabitants to procure fire buckets under certain penalties.

And be it further enacted, That it shall be lawful for the trustees aforesaid, or a major part of them, to direct and require the inhabitants or owners of dwelling houses and other buildings within the limits aforesaid, to provide themselves with such and so many fire buckets, to be ready in such houses and

buildings for the purpoſe of extinguiſhing fires, and to impoſe ſuch reaſonable fines and penalties for diſobedience thereof as they ſhall think proper, not exceeding the ſum of three dollars for each bucket.

And be it further enacted, That all fines incurred and adjudged to be levied by the ſaid truſtees, or a majority of them as aforeſaid, ſhall be recovered by any one of the ſaid truſtees in his own name, before any juſtice of the peace in the ſame county, with coſts of ſuit, to be reported to the ſaid board of truſtees, and appropriated by a majority of them for the purpoſe of procuring and keeping in repair the fire engines and other inſtruments neceſſary for the extinguiſhing of fires within the limits aforeſaid.

CHAP. L.

An ACT *to divide the Town of Burlington in the County of Otſego, into two Towns, and to aſcertain the Boundaries of the Towns therein mentioned.*

Paſſed 24th March, 1797.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That all that part of the town of Burlington contained within the following boundaries, to wit: Beginning at the ſoutheaſt corner of Smith's patent on the north line of the town of Otſego, thence weſterly on ſaid line and the north line of the town of Butternuts to the Unadilla river, thence up ſaid river about ſix miles on a ſtraight line to a tree marked A D T—thence north eighty eight degrees eaſt to the weſt line of Veree's patent, thence northerly to the northweſt corner thereof, thence along the north line of ſaid patent and the lands formerly owned by John Johnſon, and the ſame line continued to the weſt line of the town of Otſego, thence ſoutherly on ſaid line to the place of beginning, ſhall be and is hereby erected into a ſeparate town by the name of Pittsfield, and that the firſt town meeting ſhall be held at the houſe of Daniel Watſon in ſaid town; and that all the remaining part of the town of Burlington, ſhall be and remain a ſeparate town by the name of Burlington, and that the firſt town meeting in ſaid town ſhall be held at the houſe of Willard Church.

A certain part of the town of Burlington erected into a new town by the name of Pittsfield.

And be it further enacted, That from an after the firſt Monday of April next the freeholders and inhabitants of each of the ſaid towns ſhall be and hereby are impowered to hold town meetings and elect ſuch town officers as the freeholders and inhabitants of any town in this ſtate may do by law; and that the freeholders and inhabitants of the ſaid towns, and the town officers to be by them elected reſpectively, ſhall have the like powers and privileges, and be ſubject to the like penalties and reſtrictions as the freeholders, inhabitants and town officers of any other town in this ſtate.

Inhabitants to elect town officers with like privileges as other towns.

And be it further enacted, That as ſoon as may be after the firſt Tueſday of April next, the ſuperviſors and overſeers of the poor of the towns aforeſaid, ſhall by notice to be given for that purpoſe by the ſuperviſors of the towns aforeſaid, meet together and apportion the poor maintained by the ſaid town previous to the diviſion thereof, and alſo to divide all money in the hands of the overſeers of the poor previous to the diviſion thereof in an equitable

Supervisors and overſeers to apportion the poor.

manner; and if the supervisors and overseers of the poor cannot agree upon such division of the poor and money as aforesaid, then and in such case the supervisors of the county shall at their next meeting apportion and divide the poor and money as aforesaid, in such manner as shall appear to them most just and equitable.

AND WHEREAS by a law passed the tenth day of April, in the year one thousand seven hundred and ninety-two, dividing the town of Otsego into four towns, the lines between the towns of Burlington and Richfield and between those towns and the present town of Otsego are indefinite: Therefore,

Lines between said towns particularly defined.

BE *it further enacted*, That the following line, to wit: Beginning at the northeast corner of Colden's patent, thence along the north boundaries thereof to the northwest corner of the same, and that line continued to the Unadilla river, shall be the northerly bounds of the town of Burlington and south bounds of the town of Richfield; and that the dividing boundary between the last mentioned towns and the town of Otsego, shall hereafter be from the northwest corner of the Hardwick patent, to and along the old westerly line of the tract of land commonly called the twelve thousand acres, to the southeast corner of Schuyler's patent, thence along the easterly boundary of the said patent to the county of Herkemer, any law to the contrary notwithstanding.

CHAP. LI.

An ACT *to settle Disputes concerning the Titles to Lands in the County of Onondaga.*

Passed the 24th March, 1797.

WHEREAS a convention of delegates from a number of towns in the county of Onondaga, have by their petition presented to the legislature, prayed that a law may be passed, authorising a speedy and equitable mode of settling disputes relative to the titles of land in that county: Therefore,

Robert Yates and others appointed commissioners to determine all controversies.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Robert Yates, James Kent, and Vincent Matthews shall be, and they are hereby appointed commissioners, with full power to hear, examine, award, and determine according to law and equity, all disputes and controversies respecting the titles, and all claims whatsoever, to any lands in the county of Onondaga, and to examine any party or parties submitting to their examination and witnesses on oath, and to commit any witness refusing to be sworn, or to answer any question or questions touching the premises, to the goal of the county in which they may then sit, there to remain until he or she shall submit to be sworn, and to answer such question or questions. *Provided always*, That no person shall be obliged to answer any question which may tend to charge himself or herself, with any crime; nor shall any witness be compelled to answer any question or questions wherein he or she shall be interested.

Commissioners may at the request of any

And be it further enacted, That it shall be lawful for the said commissioners, at the request of any person interested in any controversy relating to the said lands, to cause any person

perſon intereſted in any ſuch controverſy ſummon any perſon to appear before them.

or perſons to be ſummoned to appear before them, to be examined touching the premiſes, and to iſſue ſubpœnas for that purpoſe; and if any perſon being duly ſummoned and reaſonable compenſation given or tendered to him or her, who ſhall refuſe or neglect to attend, or be examined, not having any lawful or reaſonable let or impediment to the contrary, every ſuch perſon ſhall forfeit the ſum of one hundred dollars, to be recovered with coſts of ſuit, in any court of record by action of debt in the name and to the uſe of the perſon or perſons at whoſe inſtance ſuch perſon was ſummoned.

Commiſſioners after the firſt of June next to aſſemble at Aurora, and there or at any other place, to proceed to execute their truſts.

And be it further enacted, That the ſaid commiſſioners ſhall, as ſoon as conveniently may be, after the firſt day of June next, aſſemble together at Aurora, in the town of Scipio in the county of Onondago, and then and there and at ſuch other times and places as they ſhall from time to time think proper to appoint for that purpoſe, proceed to execute the truſts repoſed in them by this act, and ſhall cauſe their award or determination upon every claim or controverſy reſpecting any lands in the ſaid county of Onondaga to be entered in a book or books to be by them provided for that purpoſe, which award or determination ſhall after the expiration of two years after the making thereof, become binding and concluſive to all perſons except ſuch as conceiving themſelves aggrieved by any ſuch award or determination ſhall within the ſaid two years diſſent from the ſame, and give notice thereof to the ſaid commiſſioners, or file the ſame in the office of the clerk of the county of Onondaga, and ſhall alſo if not in the actual poſſeſſion of ſuch land, within three years after ſuch award or determination, commence a ſuit or ſuits either at law or in equity, to recover the land or to eſtabliſh his or her right to the ſame, and ſhall proſecute ſuch ſuit or ſuits, to effect, in which caſe ſuch award or determination ſhall not operate as a bar to ſuch ſuit or ſuits; but if no ſuch ſuit or ſuits are brought within the times aforeſaid and proſecuted to effect, then the ſaid award or determination of the commiſſioners ſhall be final and concluſive. And in caſe any ſuit commenced within the time aforeſaid ſhall abate by the death of the defendant then the party diſſenting, or if by his death then his heirs or deviſees may at any time within one year revive ſuch ſuit, or if neceſſary commence a new ſuit for the purpoſe aforeſaid, and proſecute the ſame with like effect, as ſuch firſt ſuit might have been proſecuted if it had not abated as aforeſaid; and the ſaid commiſſioners are hereby directed to enter in the ſaid book or books, a note of the time of receiving every ſuch diſſent, and when they ſhall have executed the truſts and duties by this act committed to them, they ſhall depoſit the ſaid book or books in the office of the clerk of the ſaid county of Onondaga, there to remain as records of their proceedings. *Provided always*, That if the parties in any caſe will enter into an agreement before the ſaid commiſſioners, to abide by their determination, then and in every ſuch caſe, the award or determination of the ſaid commiſſioners ſhall be final and concluſive, as to ſuch parties and their heirs forever.

Any ſuit abating by the death of the party may be revived or renewed.

Where parties agree to refer a controverſy to ſaid commiſſioners their determination to be in ſuch caſe final.

And be it further enacted, That the clerk of the ſaid county of Onondaga ſhall from time to time at the expence of the parties, attend the ſaid commiſſioners with ſuch deeds, conveyances, papers, and records as they

ſhall from time to time direct and require, and that it ſhall be lawful for the ſaid clerk to leave ſuch of them in their hands as they may at any time require.

Commiſſioners to adverſe their appointment.

And be it further enacted, That the ſaid commiſſioners ſhall as ſoon as conveniently may be after the paſſing of this act, cauſe a notice of their appointment to be inſerted in the newſpaper printed by the printer to the ſtate, and in one of the newſpapers printed in each county of this ſtate in which a newſpaper is printed, and therein fix the time of their firſt meeting, and require all perſons having any diſpute or controverſy reſpecting any title or claim to any land in the ſaid county of Onondaga, to appear in perſon, or by their agents or attornies, before the ſaid commiſſioners, at the time and place therein mentioned, to exhibit their claims, that the ſaid commiſſioners may proceed in the execution of the truſts committed to them.

To enter all lands for which there appears no adverſe claim.

And be it further enacted, That as to all the lands in the ſaid county of Onondaga, concerning which no adverſe claim ſhall appear or be made before the ſaid commiſſioners, they ſhall cauſe an entry to be made in the ſaid books to that effect, but in all caſes where interfering claims ſhall appear or be made, they ſhall examine and determine the ſame. And in all caſes where there are filed or recorded in the ſaid office two or more deeds from one and the ſame perſon, or in the ſame right to different perſons, if any perſon intereſted under either of them ſhall neglect to make his claim, and in all caſes where ſeveral perſons appear to have claim to one and the ſame piece of land, and any of them do not appear before the ſaid commiſſioners, they ſhall cauſe a notice to be publiſhed in the newſpapers aforeſaid and continued for ſix weeks, requiring all perſons intereſted in ſuch land to appear at a certain time and place therein mentioned, not leſs than ſix months from the date of ſuch notice, and exhibit their claims to the ſame land, and after the expiration of the time therein mentioned, it ſhall be lawful for the ſaid commiſſioners to proceed to the examination and determination of all matters concerning the ſaid land and the title to the ſame whether all or any of the parties, intereſted therein appear and exhibit their claims or not, ſaving to all perſons aggrieved by any ſuch award or determination, the right of diſſenting and proſecuting in the manner aforeſaid.

The diſſent of a party in poſſeſſion to be of no effect.

And be it further enacted, That if the party diſſenting in any of the caſes aforeſaid, ſhall be in the actual poſſeſſion of the premiſes, then and in every ſuch caſe the award or determination of the ſaid commiſſioners ſo diſſented from, ſhall as to the party ſo diſſenting, be conſidered of no effect, and in every ſuch caſe, unleſs the party in whoſe favor ſuch award or determination ſhall be made, ſhall within three years after ſuch award is made, commence a ſuit either at law or in equity to recover the land, or to eſtabliſh his or her right to the ſame, and ſhall proſecute ſuch ſuit with effect, then ſuch perſon in whoſe favor ſuch award or determination is made, and his and her heirs ſhall for ever be barred of all right, title and claim in and to the land concerning which ſuch award or determination is made; but if any ſuch ſuit ſhould abate by death or otherwiſe, ſuch ſuit may be revived, or a new ſuit brought as aforeſaid, within the time herein before limited for that purpoſe as aforeſaid.

Powers given to commiſſioners may be executed by any two of them.

And be it further enacted, That all and every power and truſt hereby veſted in the ſaid commiſſioners, may be executed by them or any two of them; and that each of the ſaid commiſſioners ſhall be allowed for his ſervices, including his expences, ſix dollars a day for every day he ſhall be employed in the buſineſs aforeſaid; and they are hereby directed to lay their accounts thereof, with an account of their diſburſements for purchaſing the ſaid books, and for printing the ſaid advertiſements, before the legiſlature, in order that proviſion may be made for the payment thereof.

Expence to be paid by the party in whoſe favor they attend.

And be it further enacted, That all expenſes incurred in procuring any witneſſes, ſhall be at the proper charges of the perſon or perſons in whoſe favor ſuch witneſſes ſhall attend, and ſuch witneſs ſo ſubpœnaed and attending ſhall be entitled to receive, excluſive of his or her neceſſary expenſes, ſeventy-five cents for each and every day he or ſhe may be abſent from home as a witneſs as aforeſaid.

This act not to prejudice any perſon under age, feme covert, or inſane.

Provided always, That neither this act nor any thing therein contained ſhall extend or be conſtrued to the prejudice of any perſon under the age of twenty one years, or feme covert, or perſon not of ſound mind or in priſon, if ſuch infant, feme covert, perſon not of ſound mind or priſoner, ſhall within three years after coming to the age of twenty one years, becoming diſcovert, of ſound mind and at liberty, make their diſſent and bring their ſuit and proſecute the ſame to effect as aforeſaid.

When the people of the ſtate are intereſted.

And be it further enacted, That in all caſes where it ſhall appear to the ſaid commiſſioners, that the people of this ſtate, or ſome perſon or perſons other than any of the claimants, is or are entitled to any of the ſaid lands, they ſhall cauſe an entry to that purpoſe to be made in the ſaid books, and report all ſuch caſes to the legiſlature.

If either of the commiſſioners die, &c. how his place is to be filled.

And be it further enacted, That in caſe of the refuſal to ſerve or death of any of the commiſſioners named in this act, it ſhall and may be lawful for the perſon adminiſtering the government of this ſtate for the time being from time to time to appoint another perſon or perſons as the caſe may be, to ſupply every ſuch vacancy; and the perſon or perſons ſo appointed ſhall continue to execute the truſt by this act conferred, as fully as tho' he or they had been named in this acts, until another or others ſhall be appointed by legiſlative act.

And be it further enacted, That the commiſſioners appointed or to be appointed by virtue of this act ſhall not exerciſe any of the powers hereby granted to them after the firſt day of June one thouſand eight hundred.

CHAP. LII.

An ACT *limiting the Period of bringing Claims and Proſecutions againſt forfeited Eſtates.*

Paſſed the 28th of March, 1797.

WHEREAS the title deeds and other documents relative to forfeited eſtates were generally carried away by the former proprietors, whoſe conduct cauſed their forfeiture, and the title of the ſtate as reſult-

ing from such forfeitures is thereby peculiarly liable to be obscured or defeated: Therefore,

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That no person or persons, bodies politic or corporate, who now have, or shall or may hereafter have any estate, right, title, claim or demand in or to any lands, messuages, tenements, or hereditaments supposed to have been forfeited to the people of this state in consequence of the attainder or conviction of any person or persons for any act or crime done or committed during the late war, and which have been heretofore granted or conveyed to any person or persons, bodies politic or corporate, by the commissioners of forfeitures, or other person or persons duly authorized for that purpose on the part of this state, shall after the expiration of five years from and after the passing of this act, and where the estate, right, title, claim or demand shall hereafter accrue, then after the expiration of five years after the same shall so accrue, have, prosecute, sue or maintain any action or suit at law for the recovery thereof against the right or title so granted or conveyed by the people of this state as aforesaid.

And be it further enacted, That if any person or persons, bodies politic or corporate, shall and do at any time after the said respective periods of five years sue or prosecute any suit or action at law, or make any title or claim of, in or to any of the said lands, tenements or hereditaments so as aforesaid granted by such commissioners of forfeitures or other person or persons duly authorized for that purpose on the part of this state, that then and in such case such person or persons, bodies politic or corporate, their heirs and successors so suing or prosecuting such suit or action, shall from thenceforth be utterly barred forever of all and every such suit or action, estate, right, title or claim so thereafter to be sued, prosecuted or had of, in and to the same against the right or title so granted or conveyed by the people of this state as aforesaid. *Provided always*,

And be it further enacted, That if any person or persons who is, are or shall be entitled to sue or prosecute such suit or action, or who hath, have, or shall have such right or title, shall be within the age of twenty-one years, femes covert, or insane, that then such person or persons, his, her and their heirs and assigns, shall or may at any time within five years next after his, her or their coming to full age, or of sound mind, or discoverture, bring, sue and prosecute such suit or action, and at no time thereafter.

CHAP. LIII.

An ACT *relative to the Court House Lot in the County of Montgomery.*

Passed 28th March, 1797.

WHEREAS the supervisors of the county of Montgomery, by their petition presented to the legislature, set forth, that the court house in the said county is much in want of repair, and that the lot upon which the said house is built is large, and a great part thereof of no benefit to the said county, they therefore pray that the legislature would vest them with competent power to dispose of a certain portion of the said lot of ground for the purpose of repairing the court house and gaol of the said county: Therefore,

BE it enacted by the People of the State of New-York repreſented in Senate and Aſſembly, That all the right and title of this ſtate in and to ſo much of the weſt end of the ſaid lot of ground aforeſaid, lying weſt of a line drawn acroſs the ſaid lot parallel to the eaſt bounds thereof through a point thirty feet diſtant from the northweſt corner of the court houſe aforeſaid, be and hereby is veſted in the board of ſuperviſors of the ſaid county, for the uſes and purpoſes above recited, and for none other, and that the ſaid board of ſupervisors, or a majority of them by this act, have full power and authority to diſpoſe of the ſaid part of the ſaid lot at ſuch time, and on ſuch terms, as to them may ſeem beſt for the uſes and purpoſes aforeſaid.

CHAP. LIV.

An ACT *in addition to an Act entitled, an Act for the further Direction of the Commiſſioners of the Land Office, and for other purpoſes therein mentioned.*

Paſſed the 28th March, 1797.

WHEREAS by the fourth ſection of the above mentioned act it is enacted, that the townſhips of Galen and Stirling, part of the military tract, ſhall be ſurveyed and laid out into lots in the manner in which the other townſhips in the ſaid tract were by law directed to be laid out, and that the grantee in any lot in either of the ſaid townſhips, ſhall, previous to his obtaining a grant pay into the treaſury the ſum of ſix dollars, in compenſation for the expence of the ſurvey thereof: And whereas it appears that the grants of the ſaid lots in ſaid townſhips of Galen and Stirling were made previous to the paſſing of ſaid act, by means whereof the compenſation thereby intended is defeated: Therefore,

Six dollars on each lot, intended to bear the expenſes of the ſurvey, has never been paid.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall be the duty of the ſurveyor general to cauſe the ſaid townſhips of Galen and Stirling to be ſurveyed into lots as aforeſaid, and to cauſe a notice to be printed for ſix weeks ſucceſſively in the newſpaper printed by the printer of the ſtate, and by the printers in the city of Albany, that unleſs the ſum of ſix dollars be paid to him on or before the firſt day of July next, by the proprietor of any lot in either of the ſaid townſhips, fifty acres of ſuch lot ſhall be ſold for defraying the expence of the ſurvey thereof; and further, that it ſhall be lawful for the ſurveyor general out of any one of the corners of each lot for which the ſaid ſum of ſix dollars ſhall not be paid for the purpoſes aforeſaid on the ſaid firſt day of July next, to advertiſe and ſell fifty acres in the manner preſcribed by an act entitled An act to carry into effect the concurrent reſolutions and acts of the legiſlature for granting certain lands promiſed to be given as bounty lands and for other purpoſes therein mentioned, paſſed the 6th of April, 1790 and the ſurplus money ariſing from ſuch ſale after deducting the expence of ſurvey and ſales ſhall be applied in the ſame manner as is directed in the act laſt above recited.

On failure of ſuch payment to ſell fifty acres.

AND WHEREAS it will be of great utility to have the diviſion of this ſtate into counties and towns accurately delienated on a general map thereof, which cannot be done without ſurveys ſtill to be made of many of them, either wholly or in part: Therefore,

Surveyor general to survey and mark the bounds of counties not heretofore surveyed.

Be it further enacted, That the surveyor general shall cause to be surveyed and marked such or so much of the bounds of any of the counties in this state, as have not heretofore been surveyed and marked, and that it shall be the duty of the supervisors of each town in the counties of Suffolk, Queen's, King's, Richmond, Westchester, Orange, Ulster, Dutchess, Columbia, Albany and Saratoga, to cause an accurate map to be made of the town of which he is the supervisor, and for that purpose to cause so much of the outlines of such town to be surveyed as may be necessary, in addition to the surveys heretofore made, and which have been or may otherwise be obtained, which map so made he shall on or before the first day of February next, cause to be delivered into the surveyor general's office. *Provided always*, That if the surveyor general shall signify that he needs only a part or parts of the bounds of any particular towns, then a map of such part or parts only shall be made and delivered as aforesaid.

And the supervisors of towns in several of the counties to cause maps to be made.

Supervisors of towns to furnish surveyor general with a map if required by him.

And be it further enacted, That whenever the surveyor-general shall give information to any supervisor of any other town in this state, that no survey is to be found of certain parts of the bounds of the town of which he is supervisor, in that case it shall be the duty of such supervisor to cause a map of such parts to be made and delivered as aforesaid.

Expences of making such maps to be Paid by the towns.

And be it further enacted, That the costs and charges arising from the making of such maps and surveys shall be paid by the towns of which the same have been made respectively, in such way and manner as other contingent charges of towns are paid.

Supervisors neglecting to furnish such map to forfeit 50 dollars.

And be it further enacted, That in case of the refusal or neglect of any supervisor for the time being, to cause a survey and map to be made and delivered according to the true intent and meaning of this act, he so refusing or neglecting shall forfeit and pay the sum of fifty dollars, to be recovered by the attorney of the district in which such supervisor shall reside, in action of debt in any court of record in this state, having cognizance thereof; and it is hereby made the duty of said attorney to prosecute any delinquent or delinquents in the premises, and the monies so recovered shall be delivered to the surveyor general, and by him to be applied to the making of a map of such town or towns being delinquent as aforesaid.

Treasurer to pay surveyor general 1000 dollars to defray the expenses of surveys.

And be it further enacted, That it shall be lawful for the treasurer of this state to pay to the surveyor general a sum not exceeding one thousand dollars, to defray the expence of performing the survey of counties hereby directed, and such as he has already performed in consequence of the act passed the 11th day of April, 1796, for which sum he shall account with the comptroller of this state.

Surveyor general to furnish one map to each branch of the legislature.

And be it further enacted, That the surveyor general as soon as he shall have completed a map of this state, in conformity to the documents directed to be furnished him by this act, shall furnish each branch of the legislature with one map, and shall cause one map for each town in this state to be deposited in the office of the secretary of this state, to be given to the clerk of each town, or to his order, for the use of said town.

CHAP. LV.

An ACT *ſupplementary to the Act entitled, an Act to amend an Act entitled an Act for the better Levying and Accounting for Fines, Forfeitures, Iſſues, Amerciaments and Debts due to the People of this State.*

Paſſed the 28th March, 1797.

BE *it enacted by the People of the State of New-York, repreſented in the Senate and Aſſembly*, That in all caſes where the executive of this ſtate in purſuance of the conſtitution of the United States, or any law of the United States, hath or hereafter ſhall demand from the executive authority of any ſtate in the Union any perſon as a fugitive from juſtice, it ſhall and may be lawful for the court of exchequer to audit the account of the perſon who had been or hereafter may be deputed or employed by the executive of this ſtate to claim and demand ſuch fugitive, and the ſaid perſon ſo deputed and employed ſhall be entitled to receive out of the treaſury of this ſtate the ſum which the judge of the ſaid court of exchequer ſhall, under his hand and ſeal, certify to be reaſonably due to him for ſuch ſervice.

CHAP. LVI.

An ACT *for the Relief of William W. Thompſon.*

Paſſed 28th March, 1797.

WHEREAS by an act entitled, "an Act to authorize the commitment of perſons that may be apprehended in the counties of Weſtcheſter or Ulſter to the goals of the counties of Dutcheſs, Orange or Albany," paſſed the 30th day of March, 1778, the goals of the county of Orange and Dutcheſs were made the goals of the county of Ulſter, and the ſheriffs of the ſaid counties of Orange and Dutcheſs were directed to receive and keep all priſoners ſent to them from the county of Ulſter.

AND WHEREAS felons and other ſtate priſoners from the county of Ulſter were by the juſtices of the peace thereof ſent to the goal of the ſaid county of Orange, whereof William W. Thompſon was then ſheriff, for keeping and boarding of whom the ſaid William W. Thompſon hath been at conſiderable expence.

AND WHEREAS the ſaid William W. Thompſon hath by his petition preſented to the legiſlature, ſet forth, that the ſuperviſors of the ſaid county of Ulſter refuſe to audit and allow his account for keeping and boarding the ſaid priſoners: Therefore,

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall be the duty of the ſuperviſors of the county of Ulſter or the major part of them, and they are hereby required to audit the accounts of the ſaid William W. Thompſon, for keeping and boarding the ſaid priſoners ſent to the gaol of the ſaid county of Orange from the ſaid county of Ulſter by the juſtices of the peace and other miniſterial officers of the ſaid county of Ulſter, by virtue of the ſaid act, as ſhall appear to be juſt and equitable, and cauſe the ſaid ſum of money ſo audited to be levied, raiſed and collected from the freeholders and inhabitants of the ſaid county of Ulſter, at the ſame time and in like manner as other contingent charges of the ſaid county are levied, raiſed and paid, and the treaſurer of the ſaid county is hereby directed and re-

quired to pay the same to the said William W. Thompson on his producing an order from the said supervisors, or the major part of them, for that purpose, on or before the first day of March next.

CHAP. LVII.

An ACT *to amend the Law to prevent the bringing in and spreading of Infectious Diseases in this State.*

Passed 28th March, 1797.

WHEREAS it is represented to the legislature, that there are certain manufacturers of soap and candles in the city of New-York, whose works are so situated, and whose business is so carfully managed, as neither to endanger the health, nor be offensive to their neighbours: Therefore,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the person administering the government of this state, with any two of the commissioners of the health office, may in writing under their hands permit all such manufacturers of soap and candles to remain and exercise their said trades within the city of New-York, to the southward of the bounds or line designated in the fifth section of the act entitled an act to amend the act entitled "An act to prevent the bringing in and spreading of infectious diseases in this state," any thing in the said act to the contrary notwithstanding. *Provided nevertheless,* That such permits may, in the discretion of the persons having authority to give the same, be granted to such starch makers, whose manufactories are not situated to the southward of freshwater; which certificate shall remain in force until the person administering the government of this state, and any two of the said commissioners, shall by writing under their hands supercede the same, on its appearing to them that such permission hath been abused and ought to be withdrawn; and until notice in writing, that the same is superceded, hath been served on the person in whose favor the certificate was granted, or left at his or her dwelling house, and a copy of such notice affixed up in the clerks office for the said city. *Provided nevertheless,* That no tallow shall be rendered within the limits prescribed by the act abovementioned, from the fifteenth day of May, to the first day of November in each year.

Governor with two commissioners of health office may permit such to remain in the city of New-York.

Permits may also be given to certain starch manufactories.

And be it further enacted, That the street called in the said act Grant street was intended and shall be construed to mean Grand street; and that the street therein called Mulberry street, was intended, and shall be construed to mean Mulberry street, as the same streets are delineated on a map of the city of New-York, lately published by David Longworth, in the said city.

Streets improperly named in the act hereby amended now lately named.

CHAP. LVIII.

An ACT *for the relief of the Executors of Martha Mortier.*

Passed 28th March, 1797.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly,* That it shall be lawful for the treasurer of this state,

and he is hereby directed, upon due proof being made to him of the execution of a certain bond dated the firſt day of June, one thouſand ſeven hundred and ſeventy three, conditioned for the payment of eight hundred and fifty pounds, ſaid to be given to Martha Mortier, late of the precinct of Rhynbeck, in the county of Dutcheſs, deceaſed, by William Bayard, formerly of the city of New-York, whoſe eſtate has become forfeited to the people of this ſtate, to pay to the executors of the ſaid Martha Mortier, ſuch ſum as the ſaid treaſurer ſhall find to be due on the ſaid bond, computing intereſt thereon to the firſt day of January, one thouſand ſeven hundred and ninety only (it being the period at which the ſaid bond was delivered to the executors of the ſaid Martha) upon the ſaid executors making oath before the ſaid treaſurer, that they have not, nor hath any perſon on their behalf, received or ſecured, nor do they expect to receive or ſecure any part of the ſaid debt, in any manner or way whatſoever, the proviſion made by this act only excepted; and further, upon the ſaid executors producing and depoſiting with the treaſurer the ſaid original bond, and giving ſecurity to the people of this ſtate, and delivering the ſame to the treaſurer to refund the ſaid money, or ſuch part thereof as may be neceſſary to diſcharge any incumbrance which may hereafter appear on the eſtate of the ſaid William Bayard, by a claim of dower by his wife, or otherwiſe. *Provided*, That the monies ariſing from the ſales of the eſtate of the ſaid William Bayard, and now remaining in the treaſury, amount to the ſum ſo found to be due on the ſaid bond.

CHAP. LIX.

An ACT *to Incorporate the Cayuga Bridge Company.*

Paſſed the 28th March, 1797.

WHEREAS Charles Williamſon, Thomas Morris, John Harris, Wilhelmus Mynderſe, and Joſeph Annin, are deſirous of being incorporated together, with ſuch perſons as may hereafter become their aſſociates, for the purpoſe of building a bridge acroſs the Cayuga Lake in this ſtate: Therefore,

A company incorporated by the name of the Cayuga Bridge Company for 25 years, with capacity of ſuing, pleading, and having a common ſeal, &c.

BE *it enacted by the People of the State of New-York, represented in Senate and Aſſembly*, That there ſhall be eſtabliſhed a company of ſtockholders, for the purpoſe of building a bridge over the Cayuga Lake, or the outlet thereof, within this ſtate, and to be called and known by the name of "The Cayuga Bridge Company," and ſhall to remain for the term of twenty-five years, and by that name they and their ſucceſſors for and during the ſaid term of twenty-five years ſhall and may have ſucceſſion, and ſhall be perſons in law capable of ſuing and being ſued, pleading, and of being impleaded, anſwering, and being anſwered unto, defending and being defended in all courts and places whatſoever, in all manner of actions, ſuits, complaints, matters and cauſes whatſoever; and that they and their ſucceſſors may have a common ſeal and may change and alter the ſame at their pleaſure, and alſo that the and their ſucceſſors by the name of "The Cayuga Bridge Company, ſhall be in law capable of purchaſing, holding and conveying any eſtate, real or perſonal, for the public uſe of the ſaid corporation. *Provided*, That the whole of the ſtock and real eſtate of the ſaid corporation ſhall never exceed in val-

And of holding real and perſonal eſtate to the amount of 25,000 dollars.

twenty-five thouſand dollars; *and provided further*, That ſuch real eſtate ſhall never exceed two hundred and fifty acres of land on each ſide of the ſaid Lake adjoining the ſaid bridge.

Concerns of the company to be managed by five directors.

And it further enacted, That the ſtock, property, affairs, and concerns of the ſaid corporation, and the manner of obtaining ſubſcriptions thereto, ſhall be managed, directed and conducted by five directors, who ſhall be ſtockholders, and ſhall, together with a treaſurer, be annually choſen and elected on the firſt Wedneſday in May in every year, at ſuch time of the day, and at ſuch place as the directors for the time being ſhall, forty days at leaſt prior to the day of election, appoint, by notice thereof in two of the public newſpapers of this ſtate, that all elections for the treaſurer and directors ſhall be by ballot, and ſuch perſon who at any ſuch election ſhall have the greateſt number of votes given at ſuch election as treaſurer, ſhall be treaſurer, and in like manner ſuch five perſons who ſhall have the greateſt number of votes at ſuch election, ſhall be the directors, and ſhall hold their offices for one year, and until others be choſen in their place, that if any vacancies ſhall happen among the directors by death, reſignation or otherwiſe, ſuch vacancies ſhall be filled for the remainder of the year in which they may happen, by the appointment of the remainder of the directors for the time being, or a majority of them: That the firſt directors ſhall be Thomas Morris, John Harris, Charles Williamſon, Wilhelmus Mynderſe, and Joſeph Annin, and the firſt treaſurer Jacob Hallett, who ſhall hold their offices until the firſt Wedneſday in May next, and until others ſhall be choſen in their place.

First five directors appointed.

Shares of the ſtock not to exceed 500, at 50 dollars each ſhare.

And be it further enacted, That the number of ſhares of ſubſcriptions conſtituting the ſtock or funds of the ſaid corporation, ſhall not exceed five hundred ſhares, and that the amount to be paid for each ſhare or ſubſcription ſhall be fifty dollars, and that each ſtockholder be entitled to a number of votes proportioned to the number of ſhares which he or ſhe ſhall have or hold in his or her name, according to the following ratio, that is to ſay, every owner of one or more ſhares, to the number of four, ſhall have one vote; of five ſhares and leſs than ten, three votes; of ten ſhares and leſs than twenty, five votes; of twenty ſhares eight votes, and one vote for every five ſhares above twenty.

Directors to have the diſpoſition of the funds.

And be it further enacted, That the directors for the time being, or a major part of them, ſhall have the diſpoſition of the funds of the ſaid corporation, to and for the uſes and purpoſes aforeſaid, and ſhall annually on the firſt Wedneſday in May, lay before the ſtockholders of the ſaid corporation, a general ſtatement of their accounts and proceedings, which ſame ſtatement of accounts and proceedings it ſhall be the duty of the directors to lodge with the treaſurer at leaſt ten days previous to ſuch annual meetings, for the inſpection and examination of the ſtockholders, and the directors for the time being, or the major part of them, ſhall have power to make and prescribe ſuch bye-laws, rules and regulations as to them ſhall appear needful and proper, touching the management and diſpoſition of the ſtock, property, eſtate and effects of the ſaid corporation, and touching the duties and conduct of their ſecretary, clerks, agents and ſervants employed therein; and touching all ſuch mat-

Directors empowered to make bye laws.

ters as appertain to the ſaid corporation, with power to appoint ſuch and ſo many workmen, clerks and ſervants, for the erecting and building of the ſaid bridge, and relating to the ſame, and with ſuch allowances and ſalaries as to them ſhall ſeem meet. *Provided*, That ſuch bye-laws, rules and regulations be not repugnant to the conſtitution and laws of the United States, and of this ſtate.

Corporation diſſolved if the bridge is not finiſhed in three years.

And be it further enacted, That in caſe the ſaid bridge ſhall not be erected, built and completed within three years from and after the paſſing of this act, the ſaid corporation hereby created, ſhall be adjudged and conſidered as diſſolved.

Rates of toll for paſſing ſaid bridge eſtabliſhed.

And be it further enacted, That it ſhall and may be lawful for the ſaid corporation to demand, receive and take for the uſe of the ſaid bridge, a toll not exceeding the following rates: Every four wheel pleaſure carriage and horſes one dollar; every two wheel pleaſure carriage and horſes ſeventy-five cents; every waggon and horſes ſeventy-five cents; every ſleigh and horſes fifty cents; every ox cart and oxen, ſeventy-five cents; every one horſe cart and horſe, fifty cents; every ſingle paſſenger, twelve and an half cent; every man and horſe, twenty-five cents; every horſe, jack or mule, twelve and an half cents; every ox, cow, or other neat cattle, ſix cents; every ſheep or hog, two cents.

The bridge after 25 years to become the property of the ſtate.

And be it further enacted, That from and after the expiration of the ſaid term of twenty-five years, the ſaid bridge with its appurtenances, together with the road or highway leading through the lands of the ſaid corporation on each ſide of the ſaid bridge, ſhall become the property of the people of this ſtate, and in them from ſuch time the ſame ſhall be deemed to be veſted.

And be it further enacted, That this act be and is hereby declared to be a public act, and ſhall be conſtrued benignly and favorably for every beneficial purpoſe herein intended.

CHAP. LX.

An ACT *for opening and improving certain great Roads within this State.*

Paſſed the 28th March, 1797

WHEREAS it is highly neceſſary that direct communications be opened and improved between the weſtern, northern and ſouthern parts of this ſtate: Therefore,

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That for the purpoſe of opening and improving the ſaid communications the managers herein after named ſhall cauſe to be raiſed by three ſucceſſive lotteries, of equal value, the ſum of forty five thouſand dollars. That out of the net proceeds of the firſt lottery the ſum of eleven thouſand ſeven hundred dollars, and out of the net proceeds of the third lottery, the further ſum of two thouſand two hundred dollars, ſhall be and hereby is appropriated for opening and improving the road commonly called the Great Geneſee road, in all its extent from Old Fort Schuyler, in the county of Herkemer, to Geneva in the county of Ontario, except in that part thereof which deviates from the place where the intended bridge over the Cayuga lake is to be erected, inſtead whereof a road ſhall be opened from the ſaid place to interſect the ſaid Great Geneſee road on

45,000 dollars to be raiſed by three lotteries.

the east and west sides of the said lake, at such points and in such direction as the commissioner or commissioners to whose superintendance the opening and improving the said great road shall be committed, shall in his or their discretion deem most beneficial to the community at large.

Appropriated to the road leading from Albany to the Cohoes Falls &c.

And be it further enacted, That out of the net proceeds of the second lottery the sum of eleven thousand six hundred and seventy five dollars, shall be and hereby is appropriated for improving the great road leading from the city of Albany to the bridge erected over the Mohawk river below the Cohoes Falls, thence to Waterford in the county of Saratoga, thence to the ferry commonly called Mc. Niel's Ferry, thence on either side of Hudson's river to the ferry near Fort Edward, as the commissioner or commissioners to whom the improvements of the road designated in this section shall be committed, shall in his or their discretion deem most beneficial to the community at large; and from the ferry last mentioned to Sandy Hill in the county of Washington, thence to Fort Ann, thence to that part of the lake Champlain where Wood creek enters the said lake; and also to improve the road leading from the ferry at Troy to Lansingburgh, and thence by such road through the counties of Rensselaer and Washington as to intersect the road above mentioned leading to lake Champlain, as the commissioner or commissioners to whom the roads designated in this section shall be committed, shall in his or their discretion deem most beneficial to the community at large.

Appropriated to the road leading from Cooper's town.

And be it further enacted, That the sum of three thousand dollars, part of the net proceeds of the said second lottery, shall be and hereby is appropriated for opening and improving a road from Cooper's Town, in the county of Otsego, or from the town of Cherry Valley, as the commissioner or commissioners in his or their discretion shall deem most beneficial to the community at large, and from either, to intersect the Great Genesee road as near as conveniently may be, to the outlet of the Skeneateles lake, or either of the said towns, as near as conveniently may be to the south end of the Owasca lake, as the commissioner or commissioners to whom the opening and improving the road intended by this section shall be committed, shall in his or their discretion deem most beneficial to the community at large.

Appropriated to the road from Kaskill.

And be it further enacted, That out of the net proceeds of the said third lottery, the further sum of six thousand five hundred and ten dollars, shall be and hereby is appropriated for improving the great road leading from Catskill landing in the county of Albany to Catherines town in the county of Tioga, and which improvements shall commence at or near the house of Stephen Platt in the town of Freehold; that out of the net proceeds of the said third lottery, the further sum of one thousand dollars shall be and hereby is appropriated for improving the road from Owego to the south end of the Cayuga lake.

To the road from Owego.

To the road from Fort Stanwix.

And be it further enacted, That out of the net proceeds of the said first lottery, the managers thereof shall pay to the superintendants of highways for the county of Herkemer, the sum of five hundred dollars, to be by them laid out in improving the road from Fort Stanwix to the bridge erected over the Fish creek, and from thence through George Scriba's land, and through the township number twelve in Boilston's purchase. That out of the net proceeds of

450 dollars to be paid to W. Salſbury and others,

the ſaid third lottery, the ſaid managers thereof ſhall pay unto Weſſel Salſbury, John Schuneman and Aſhley Gilbert, of the towns of Coxhakie and Catſkill, in the county of Albany, or to their order, or the order of any two of them, the ſum of four hundred and ninety dollars, to reimburſe them for that ſum by them expended in erecting a bridge over Catſkill, near the houſe of the ſaid Aſhley Gilbert. That out of the net proceeds of the ſaid ſecond lottery, the managers thereof ſhall pay unto Walter Raleigh, and

325 dollars to be paid to Walter Raleigh and others.

Martin Van Buſkirk, of the town of Cambridge, in the county of Waſhington, the ſum of three hundred and twenty five dollars to reimburſe them for that ſum by them expended in erecting a bridge over Hoſack river, near the houſe of the ſaid Martin Van Buſkirk. That out of the net proceeds of the ſaid firſt lottery, the managers thereof ſhall pay unto John Poſt, Nathan Smith and Iſaac Brayton, of the county of Herkemer; or

400 dollars to be paid John Poſt and others

to the order of any two of them, the ſum of four hundred dollars, to reimburſe them for that ſum by them expended in erecting a bridge over the Mohawk river at Old Fort Schuyler. That out of the net proceeds of the ſaid firſt lottery, the managers thereof ſhall pay unto Michael Myer, Gaylord Griſwold, John Frank and Michael Ectigh, of

400 dollars to be paid to Michael Myer and others,

the county of Herkemer, or to the order of any two of them, the ſum of four hundred dollars, to reimburſe them for that ſum by them expended in erecting a bridge over the Mohawk river at the German Flatts. That out of the net proceeds of the ſaid firſt lottery, the managers thereof ſhall pay unto Nicholas Quackenbos, John T. Viſcher, Victor C. Putman,

2000 dollars to be paid to Nicholas Quackenbush and others.

William Wimple and Jacob Enders, or to the order of any three of them, the ſum of two thouſand dollars, therewith to compleat a bridge already began to be erected over Schoharie creek, near Fort Hunter. That the juſtices of the ſupreme court,

Judges of Supreme court to appoint three perſons to aſcertain the damages to the owners of certain lands in Weſtcheſter county.

or any two of them, ſhall and hereby are authorized to appoint three diſcreet perſons, none of whom ſhall be reſident in the county of Weſtcheſter, to aſcertain the damages, if any, which may have been ſuſtained by the owners or occupants of the land reſiding eaſtward of the eaſterly bounds of Moriſſania, by means of the road laid out to connect the road leading from Eaſtcheſter to Kingſbridge with the road leading through ſuch lands to the bridge lately erected over Haerlem river, by John B. Coles; and the perſons ſo to be appointed, after having attentively viewed the premiſes, and aſcertained the damages, if any there be,

Said perſons for ascertaining damages to certify under their hand the amount ſuſtained by each perſon.

ſhall make duplicate certificates, and ſubſcribe the ſame, in each of which ſhall be ſpecified the name of every perſon, if any, who have ſuſtained damages on the lands aforeſaid by the laying out of ſuch road, and the amount of the damages ſuſtained by each, and ſhall alſo annex to ſuch certificates an account of the number of days they have ſeverally been employed in aſcertaining ſuch damages, and ſhall then deliver ſuch certificates to either of the ſuperintendants of the highways in the county

Which certificate ſhall be delivered by them to the ſuperintendant of highways in ſaid county.

of Weſtcheſter, to whom the managers of the third lottery, out of the net proceeds thereof, ſhall pay the aggregate amount of ſuch damages, if any there be, and alſo four dollars per day for each day which each of the perſons ſo aſcertaining ſhall have been employed in the ſervice aforeſaid,

to be by such superintendant paid over to the persons entitled thereto in conformity to this section.

A moiety of the residue of the said 45,000 dollars appropriated to the post road thro' Westchester county.

And that one moiety of the residue of the proceeds of the said third lottery, and the residue of the proceeds of the first and second lotteries, if any there be beyond the appropriations by this act made, after all charges shall be satisfied, shall by the said managers be paid to the superintendants of highways for the county of Westchester, to be by them laid out in improvements on the post road leading from Croton ferry to the county of Dutchess. And the other moiety of such residue to the superintendants of the highways in the county of Orange, to be by them laid out in improvements on the highway leading from John Suffern's, in the town of Hempstead, to the village of Oxford, in the town of Cornwell, in the said county of Orange.

And the other moiety to the road in Orange county.

Managers of the lotteries named.

And be it further enacted, That John Taylor, Leonard Gansevoort and Daniel Hale, or the survivors or survivor of them, be and they are hereby appointed managers for drawing, managing and superintending the said lotteries, which shall be drawn in the city of Albany.

To enter into a bond of 5,000 dollars.

And be it further enacted, That each of the managers of the said lotteries shall before they enter upon the execution of the duties of their office, enter into a bond to the people of this state, with such sureties as the comptroller of this state for the time being shall approve of, in the sum of five thousand dollars, conditioned for the faithful and honest discharge of the duties required of them by this act, and for rendering a just account of all their proceedings at the next session of the legislature after the drawing of each of said lotteries.

To deposit the monies they shall receive on the sale of the tickets in the bank of Albany.

And be it further enacted, That the managers aforesaid shall from time to time, and as often as they shall receive the sum of five thousand dollars for the sale of tickets, deposit the same in the bank of the city of Albany for safe keeping; and that as soon as either lottery shall be drawn, the managers after deducting therefrom their reasonable expences for drawing and conducting the same, to be audited and allowed by the comptroller of this state, shall pay the avails as directed by this act, to the commissioners or other persons authorized to receive the same.

To adopt such schemes for said lotteries as they may think proper.

And be it further enacted, That the managers aforesaid, or a majority of them, shall have full power to adopt such schemes, or to manage the said lotteries in such manner as to them, or a major part of them, may be thought proper, and may sell, or cause to be sold, the tickets in any part of this state.

Governor and council to appoint commissioners for each road herein before described, who shall have the sole expenditure of the monies allotted to the roads.

And be it further enacted, That it shall be lawful for the person administering the government of this state, to nominate and by and with the advice and consent of the council of appointment, to appoint one or more not exceeding three commissioners, for the road designated in the first section, and one or more not exceeding three roads designated in the second section, and also, other or others for the roads designated in the third and fourth sections of this act, who shall be entrusted with the sole power of expending on the roads under his or their direction, the whole of the money appropriated by this act for opening and improving the same according to the directions

of this act; and to employ as many fit perſons under him or them for the purpoſes aforeſaid as he or they ſhall deem neceſſary; and the ſaid commiſſioner or commiſſioners ſhall open and repair in the firſt inſtance ſuch parts of the roads under his or their direction, as he or they may find either impaſſable for waggons, or moſt in want of repair.

And be it further enacted, That each of the ſaid commiſſioners before he enters on the execution of his truſt, ſhall enter into a bond to the people of this ſtate with ſuch ſureties as the comptroller of this ſtate for the time being ſhall approve of, in a ſum equal to the whole ſum appropriated to the road or roads to be by him and his colleagues, if any he ſhall have, opened and improved, conditioned for the faithful application of the monies to be raiſed as aforeſaid, and which ſhall be entruſted to him or them according to the directions of this act; which bond, when executed, ſhall be depoſited in the office of the comptroller of this ſtate, and in caſe the ſaid bonds or any of them ſhall become forfeited, the monies to be recovered thereon ſhall be applied to the uſe of the road, the improvement whereof the defaulting commiſſioner or commiſſioners ſuperintended.

Commiſſioners annually to make out a ſtatement of the improvements made on roads, &c.

And be it further enacted, That it ſhall be the duty of the commiſſioner or commiſſioners, or other perſons, as the caſe may be, who ſhall be appointed for the roads and bridges in manner by this act directed, at the end of every year, until they ſhall have completed the buſineſs confided to them by this act, to make out a full and accurate ſtatement of all the improvements which have been made to the roads and bridges under his or their ſuperintendance, and an account of all the expenditures accrued thereon, which ſtatement and accounts together with the vouchers in ſupport of his or their payments, ſhall be delivered to the comptroller of this ſtate, who ſhall preſent ſuch ſtatement, and account, to the legiſlature at the then next meeting thereof, with ſuch obſervations thereon as he may deem requiſite to communicate.

Vacancies in the office of commiſſioners how to be filled up

And be it further enacted, That in caſe of the death, refuſal to act, or reſignation of any perſon or perſons who ſhall be appointed in manner aforeſaid, to be a commiſſioner or commiſſioners, it ſhall and may be lawful for the perſon adminiſtering the government of this ſtate for the time being, to ſupply every ſuch vacancy, by the appointment of ſuch perſon to fill the ſame as he in his diſcretion ſhall deem meet and proper. And the commiſſioner or commiſſioners ſo appointed, ſhall have the ſame powers and be ſubject to the ſame duties as though he or they had been appointed in conformity to the ſixth ſection of this act, until ten days after the firſt meeting of the council of appointment, after ſuch appointment.

And be it further enacted, That in every caſe where more than two commiſſioners are appointed to ſuperintend the improvements in the ſeveral roads deſignated in the tenth ſection of this act, the majority of them ſhall be deemed a quorum, who may tranſact all buſineſs incident to the truſt repoſed in them by this act.

CHAP. LXI.

An ACT *relative to the Church and Glebe in Johnſtown.*

Paſſed the 28th March, 1797.

BE *it enacted by the People of the State of New York, repreſented in Senate and Aſſembly*, That all the eſtate, right, title, intereſt, claim and de-

mand of the people of this ſtate, in and to the ſtone church in the town and village of Johnſtown, in the county of Montgomery, and one acre of land lying and being in the ſaid town, which acre of land is bounded as follows, viz. northerly, by a lot of ground owned by the late George B. Troop, and a lot owned by George Metcalfe, weſterly by the main ſtreet, ſoutherly by a lot owned by John Grant, jun. and a lot owned by Caleb Grinnel, and eaſterly by a ſtreet adjoining the eaſt bounds of the ſaid Caleb Grinnel's lot, and the lot aforeſaid of the late George B. Troop, and alſo in and to all that certain tract of land, containing about forty acres, heretofore ſet apart by the late Sir William Johnſon, for a glebe to the church aforeſaid, which church and glebe became forfeited to the people of this ſtate, by the attainder of Sir John Johnſon, ſhall be and hereby are granted to and veſted in the truſtees of the Presbyterian congregation in the town and village of Johnſtown, in the county of Montgomery, and to and in the rector, church wardens, veſtrymen and members of the Proteſtant Epiſcopal church of St. John in Johnſtown, in manner following, viz. the ſaid glebe of forty acres ſhall be wholly veſted in the truſtees of the Preſbyterian congregation in the town and village of Johnſtown, in the county of Montgomery, and the church with the acre of land whereon the ſaid church ſtands, ſhall be wholly veſted in the rector, church wardens, and veſtry of St John's church, in the town of Johnſtown, in the county of Montgomery, and their ſucceſſors for ever, for the uſe of the ſaid congregations reſpectively, reſerving nevertheleſs to the Lutherans in the ſaid town the uſe of ſaid church for four Sundays in each and every year hereafter, that is to ſay, the firſt Sunday after Eaſter Sunday, the firſt after Whitſunday, the laſt in October, and the laſt in December, if required by any number of the laſt mentioned religious perſuaſion not leſs than ten; and alſo reſerving to the Preſbyterian congregation of Johnſtown the alternate uſe of the ſaid church, together with the congregation of the ſaid epiſcopal church, for and during the term of three years. *Provided nevertheleſs*, That nothing in this act contained ſhall in anywiſe be conſtrued as a warranty on the part of the people of this ſtate for the lands hereby granted.

And be it further enacted, That the act entitled "an act relative to the church in Johnſtown, paſſed the 27th day of February, 1793," ſhall be and hereby is repealed.

CHAP. LXII.

An ACT *for electing Repreſentatives for this State in the Houſe of Repreſentatives of the Congreſs of the United States of America.*

Paſſed 28th March, 1797.

BE *it enacted by the People of the State of New York, repreſented in Senate and Aſſembly*, That for the purpoſe of electing repreſentatives in this ſtate, for the houſe of repreſentatives of the congreſs of the United States of America, this ſtate ſhall and hereby is divided into ten election diſtricts, as follows, that is to ſay: The counties of Suffolk, Queen's, King's and Richmond, ſhall be one diſtrict, and ſhall be called and known by the name of the firſt diſtrict. And the city and county of New-York, except the ſeventh ward, ſhall be one diſtrict, and ſhall be called and known by the name of the ſecond diſtrict. And the county of Weſtcheſter, and the ſeventh ward of the city

The ſtate divided into ten diſtricts; ſaid diſtricts deſcribed.

of New-York, and the towns of Orangetown, Clarkestown, Hempstead and Haverstraw in the county of Orange, shall be one district, and shall be called and known by the name of the third district. And the counties of Ulster and Delaware, and the residue of the county of Orange shall be one district, and shall be called and known by the name of the fourth district. And the county of Dutchess shall be one district, and shall be called and known by the name of the fifth district. And the counties of Columbia and Rensselaer shall be one district, and shall be called and known by the name of the sixth district. And the counties of Washington and Saratoga and Clinton, shall be one district, and shall be called and known by the name of the seventh district. And the city and county of Albany and the county of Schoharie, shall be one district, and shall be called and known by the name of the eighth district. And the counties of Montgomery and Herkemer, shall be one district, and shall be called and known by the name of the ninth district. And the counties of Otsego, Tioga, Ontario, Onondaga, and Steuben, shall be one district, and shall be called and known by the name of the tenth district. And that at every election for representatives of the people of this state in the house of representatives of the congress of the United States of America, a person who shall have attained the age of twenty five years, and who shall have been seven years a citizen of the United States, and who shall then be an inhabitant of this state, shall be chosen in each of the said districts, for one of the said representatives, by the inhabitants of such district, that is to say; by such persons inhabitants of such district as are or shall be qualified to vote for members of the assembly of this state, each of whom shall be entitled to vote for one person, as such representative, and the person who shall have the greatest number of votes in any district, shall be the representative chosen in such district; and all such elections shall be held and conducted by such persons, and in the same manner as the elections for members of the assembly of this state are by law to be held and conducted; and upon the closing the poll at every such election, the poll books or lists shall, after due examination and correction thereof, be signed by the inspectors then attending, and the clerks who shall have kept the same respectively; and the box containing the ballots shall then be opened, and the ballots contained therein be taken out, and without being opened or inspected, shall, together with both poll books or lists, be immediately put up under cover, and inclosed and sealed in such manner as to prevent its being opened without discovery; and the inspectors present at closing the poll shall put their seals, and write their names upon the same enclosure, and one of the said inspectors then present, to be appointed for that purpose by a majority of the inspectors present at the closing of the poll, shall without delay, and within five days thereafter, deliver the same enclosure, so sealed up as aforesaid, to the sheriff of the county, who shall upon receiving the said enclosures, without opening or inspecting the same, or any of them, put the said enclosures into a box, which shall be well closed and sealed up by him, and he shall write his name, and the name of his county, on the said box, and shall, within eighteen days thereafter, either in person, or by his deputy, deliver the said box, without opening the same, or the enclosures therein contained, into the office of the secretary

Said elections to be conducted in the same manner as the elections for members of assembly.

The ballots taken at such election to be delivered by one of the inspectors to the county sheriff.

Who shall put them into a box, and return them into the secretary's office in person, or by deputy.

of this ſtate, where the ſame ſhall be ſafely kept by the ſecretary of this ſtate or his deputy, unbroken and unopened, until the meeting of the committee, or perſons herein aftermentioned and appointed to canvaſs and eſtimate the ſaid ballots therein contained, when all the ſaid boxes ſhall be delivered unbroken and unopened to them: and for which ſervice the ſheriff of the reſpective counties ſhall be allowed at and after the rate of twenty-five cents per mile, for going to the ſecretary's office, to be computed from the ſheriff's place of abode in each county, to the ſecretary's office, and to be paid not out of the exchequer of this ſtate, but on the certificate of the ſecretary, out of any monies then in the treaſury not otherwiſe appropriated.

If the box is delivered by any perſon except the ſheriff he is to adminiſter to ſuch perſon a certain oath.

And be it further enacted, That if the box containing the ballots taken in any county ſhall not be delivered to the ſecretary or his deputy by the ſheriff of the county in perſon, then the perſon who ſhall deliver the ſaid box to the ſecretary or to his deputy, if he received it from the ſheriff, ſhall on delivery thereof, make oath to be adminiſtered by either of them, that he received the ſaid box from the ſheriff of the county, and that the ſame has not been opened, nor any of the packages therein contained altered ſince he ſo received the ſame. But in caſe the perſon charged with the box by the ſheriff ſhall by ſickneſs or any other unavoidable accident be prevented from delivering the ſame box at the ſecretary's office, then and in every ſuch caſe it ſhall be lawful for any other proper perſon to carry the ſaid box to the ſaid ſecretary's office, and to make an affidavit before the ſecretary or his deputy, ſtating the circumſtances, and how he came poſſeſſed of the box particularly, and that the ſame box has not been opened, nor any of the packages therein contained altered ſince he received the ſame, and the ſecretary or his deputy ſhall deliver the ſame box and affidavit to the perſons who may attend to canvaſs the ballots, who ſhall receive and examine the ſame; and if there ſhall be no appearance of the ſaid box having been opened, they ſhall open the ſame, and examine the packages therein contained, and if they appear not to have been opened or altered, then they ſhall open the ſaid packages, and canvaſs and eſtimate the ballots therein contained.

If the perſon charged with the box by the ſheriff is prevented by unavoidable accident from delivering it, any other fit perſon may take charge of the ſame, who is alſo to take a certain oath.

Times appointed for holding ſuch elections and how long the election may be held.

And be it further enacted, That the firſt general election in this ſtate for ſuch repreſentatives as aforeſaid, ſhall begin and be held on the laſt Tueſday in April, one thouſand ſeven hundred and ninety-eight, and every ſubſequent general election for ſuch repreſentatives in this ſtate, ſhall be held on the laſt Tueſday in April in every ſecond year thereafter, at ſuch place or places in each city, town and ward within this ſtate as the elections for members of the aſſembly of this ſtate are by law to be held and conducted, and from which days the ſame may be reſpectively continued by adjournment, if neceſſary, from day to day, not exceeding five days, until the ſame ſhall reſpectively be compleated.

Vacancies in the office of a repreſentative in Congreſs to be filled up by a ſpecial election.

And be it further enacted, That in caſe of any vacancy or vacancies by death or otherwiſe in the ſaid office of repreſentative, between any of the ſaid general elections, the perſon adminiſtering the government of this ſtate may at his diſcretion, by proclamation, give notice thereof, and ſhall in ſuch proclamation ſignify in which of the ſaid diſtricts the per-

ſon or perſons is or are to be elected to fill ſuch vacancy or vacancies, and ſhall alſo appoint a day not leſs than forty nor more than ſixty days from the day of the publication of ſuch proclamation, for holding an election in ſuch diſtrict or diſtricts, to fill ſuch vacancy or vacancies, and cauſe a copy of ſuch proclamation to be delivered to each ſheriff in ſuch diſtrict or diſtricts; and the reſpective ſheriffs ſhall thereupon give notice in writing of ſuch election to the ſupervisor or one of the inſpectors of elections of each of the ſeveral towns and wards of ſuch diſtrict or diſtricts, in their reſpective bailiwicks, within eight days after receiving ſuch proclamation; and each of the ſaid ſupervisors and inſpectors ſhall immediately after receiving ſuch notification give notice thereof to the town clerk and aſſeſſors or other inſpectors of elections of the ſame town or ward, and the ſeveral and reſpective ſupervisors, town clerk and aſſeſſors of each town, or the major part of them, and the inſpectors of elections for each ward, or the major part of them, ſhall without delay convene together, and by writing under their hands, to be affixed up in at leaſt five of the moſt public places in ſuch town or ward, give eight days notice of the time and place or places of holding ſuch election in the ſame town or ward, and ſuch election ſhall be held and conducted by the ſame perſons, and in the ſame manner as the general election for repreſentatives are herein before directed to be held and conducted; and the poll books or liſts and ballots taken at ſuch election ſhall be diſpoſed of in the ſame manner as the poll books or liſts and ballots taken at the general election for repreſentatives; and the perſon adminiſtering the government of this ſtate ſhall immediately upon iſſuing his proclamation as aforeſaid, by ſpecial meſſengers at the expence of this ſtate, cauſe notice to be given in writing to each member of the ſaid canvaſſing committee, and require his attendance at the office of the ſecretary of this ſtate at a certain day, not leſs than twenty eight days nor more than thirty five days after the day appointed in the ſaid proclamation for holding ſuch election, to canvaſs and eſtimate the votes taken as aforeſaid, and ſuch canvaſs and eſtimate ſhall be made in the ſame manner, and ſuch certificate given as is and are herein before directed upon a general election of repreſentatives.

Committee annually to be appointed authoriſed to canvaſs the ballots.

And be it further enacted, That the committee annually to be appointed by virtue of the act entitled "an Act for regulating elections," or the major part of them ſhall and hereby are authoriſed and required to canvaſs and eſtimate the votes to be taken at any election for ſuch repreſentatives, and ſhall as ſoon as they have compleated the canvaſs of the ballots directed to be canvaſſed in conformity to the act aforeſaid, proceed to open the ſaid boxes one after the other, and the encloſures therein contained reſpectively and canvaſs and eſtimate the votes therein contained returned into the office of the ſecretary of this ſtate as aforeſaid; and as ſoon as they ſhall be able to determine upon ſuch canvaſs and eſtimate who by the greateſt number of votes ſhall have been choſen a member of the houſe of repreſentatives of the Congreſs of the United States of America in each of the ſaid diſtricts reſpectively, and ſhall determine the ſame, and thereupon without delay make and ſubſcribe with their own names and hands writing a certificate of ſuch determination, in a book to be kept for that purpoſe in the ſaid ſecretary's office, there to remain of record, and deliver or cauſe to be delivered a true copy thereof ſo ſubſcribed as aforeſaid to each of the perſons ſo elected reſpectively, and another copy ſo ſubſcribed as aforeſ-

And to certify their determination in a book to be kept by the ſecretary.

said to the house of representatives of the Congress of the United States of America, at their first meeting after the third day of March then next.

If such committee shall not be appointed or to not meet as directed, then the secretary shall summon the last elected at the last election in the middle an eastern districts, to canvass such ballots.

And be it further enacted, That in case no such committee shall be appointed, or if such committee should not meet as aforesaid to canvass and estimate the votes taken at a general election, or any election to fill such vacancy or vacancies, then it shall be the duty of the secretary of this state to give notice thereof to such senators as shall have been returned at the then last election from the Middle and Eastern districts of this state, and require their attendance at the said office at a certain day, not less than twenty days, nor more than thirty days after the date of such notice, to canvass and estimate the votes taken at such election; and such senators or the major part of them shall be and hereby are in such cases authorised and required to canvass and estimate the votes taken at such election, and to do, execute and perform all and every thing and things in and about the premises in the same manner as such joint committee might or ought to have done.

A majority of the committee authorised to canvass the votes.

And be it further enacted, That when a majority of the said joint committee, or a majority of the survivors of them, or a majority of the said senators, shall meet as aforesaid for the purpose of canvassing and estimating the votes taken at any such election, such majority shall be and hereby are authorized, empowered and required to proceed to such canvass and estimate, and all questions which shall arise upon such canvass and estimate, or upon any of the proceedings therein, shall be determined according to the opinion of the major part of the persons so met conformably to this act.

Committee before they proceed to canvass the ballots to take the oath.

And be it further enacted, That the said joint committee, and the said Senators, or such of them as shall at any time attend to make such canvass and estimate shall before they proceed to open any of the boxes delivered as aforesaid, severally take and subscribe before the secretary of this state, or his sworn deputy or a master in chancery, the following oath, to wit: I one of the joint committee appointed by the senate or assembly (as the case may be) pursuant to the act entitled "an act for regulating elections," or I a member of the senate of the state of New-York, do solemnly and sincerely swear and declare, that I will honestly and impartially, and to the best of my knowledge and abilities, execute and perform the trust reposed in me by the act entitled "an act for electing representatives for this state in the house of representatives of the Congress of the United States of America," and if I shall discover any of the other persons appointed canvassers with me (or who shall attend with me) for the purpose aforesaid, conducting himself or themselves partially, unduly or corruptly in the premises, that I will discover the same, to the end that the person so offending may be brought to justice." Which oath shall be entered of record by the secretary or his deputy, in the same book in which the certificate of the determination upon such canvass and estimate, is to be entered as aforesaid.

What is to be done with the surplus ballots, or two or more ballots rolled together.

And be it further enacted, That if the number of ballots in any enclosure shall exceed the number of electors mentioned on the poll lists contained in the same enclosure, then the said committee shall draw out unopened so

many of the ſaid ballots as ſhall amount to the exceſs, and ſhall proceed to canvaſs and eſtimate the reſidue. And if two or more ballots or tickets ſhall be found folded or rolled up together, none of the ballots ſo folded up together ſhall be eſtimated, and ſuch exceſs ſhall be ſealed up by the canvaſſers in a paper to be marked *Surplus Ballots*, and where two or more ballots are ſo folded or rolled together, the ſame ſhall alſo be ſealed up in a ſeparate paper, and a proper indorſement made thereon to deſignate the contents, and both papers ſhall, with the other ballots, be returned to their proper boxes, and committed to the cuſtody of the ſecretary.

Penalties for bribery or corruption, and neglect of duty at ſuch elections.

And be it further enacted, That if any perſon ſhall be guilty of bribery or corrupt conduct at any ſuch election, or in any of the duties required of him by this act, or ſhall neglect or refuſe to perform any of the duties required of him by this act, every ſuch perſon ſo offending ſhall be liable to the ſame pains and penalties as are impoſed for the like offences in and by the act entitled "An act for regulating elections, and to be recovered and applied in the manner therein directed.

Militia not to be called out during the elections.

And be it further enacted, That no officer or other perſon ſhall call or order any of the militia of this ſtate to appear or exerciſe on any day or at any time during ſuch election, or at any time within ten days before the ordinary and eſtabliſhed days of holding ſuch elections (except in caſes of invaſion or inſurrection) on pain of forfeiting the ſum of five hundred dollars for every ſuch offence, to be recovered by any perſon who will ſue for the ſame, with coſts, the one moiety of ſuch penalty to his own uſe, and the other moiety thereof to the uſe of the people of this State.

Nor ſhall any civil proceſs be ſerved on any perſon entitled to a vote during the ſaid time.

And be it further enacted, That it ſhall not be lawful for any officer or miniſter of juſtice to ſerve any civil proceſs in any city or town in this ſtate on any perſon entitled to vote at any ſuch election between the day preceding ſuch election, and the day ſubſequent to the cloſing of the poll at ſuch election in ſuch city or town.

WHEREAS doubts have ariſen relative to the true conſtruction of the fifth ſection of the act entitled "an act for regulating elections:" For the removal whereof,

First ſection of the act for regulating elections explained.

BE *it further enacted*, That no perſon ſhall hereafter vote at any election for governor, lieutenant governor, ſenators, members of aſſembly, or repreſentatives to repreſent this ſtate in the houſe of repreſentatives of the congreſs of the United States of America, except in the town or ward in which he ſhall actually reſide, any thing, matter or clauſe in the act for regulating elections to the contrary notwithſtanding.

CHAP. LXIII.

An ACT *for the Relief of John B. Coles, and to provide for the laying out of new Roads.*

Paſſed the 30th of March, 1797.

WHEREAS John B. Coles hath erected a bridge acroſs Haerlem river in purſuance of an act entitled "an act for building a bridge acroſs Haerlem river, and another act entitled "an act to enable

John B. Coles to raiſe a dam acroſs Haerlem river, and to amend an act entitled an act for building a bridge acroſs Haerlem river." And whereas it is repreſented to the legiſlature, that although the commiſſioners named for that purpoſe in the firſt above mentioned act have laid out a road from the ſaid bridge to Eaſt Cheſter, yet the damages to the perſons through whoſe land it is laid are not paid, and ſome part of the ſaid road is not opened, and that the ſaid John B. Coles has already expended a conſiderable ſum of money in making, clearing and amending the ſaid road, and that it will require further large ſums for that purpoſe beſides what can be done in the ordinary mode of making and repairing highways in this ſtate. And whereas the ſaid John B. Coles hath prayed relief in the premiſes: Therefore,

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the ſaid road ſo laid out ſhall be and hereby is eſtabliſhed as a public highway from and after the paſſing of this act, and ſhall and may be immediately opened as a public highway although the damages to the perſons or any or either of them through whoſe land the ſame is laid out may not be paid. And it ſhall and may be lawful for the ſaid John B. Coles and his aſſigns, at his and their expence, to cauſe the ſaid road to be cleared, and properly made for the convenience of travellers and all others having occaſion to uſe the ſame road; and as ſoon as the ſame road ſhall be made and cleared as aforeſaid, then and from thenceforth it ſhall and may be lawful for the ſaid John B. Coles and his aſſigns, for and during the term of thirty years, to demand and take an additional toll for paſſing the ſaid bridge, not exceeding fifty per cent above what is allowed by the acts aforeſaid, or either of them, and that the ſaid John B. Coles ſhall at his own expence keep the ſaid road in repair during the term he ſhall exact any additional toll for paſſing the ſaid bridge.

And be it further enacted, That the commiſſioners of highways to be choſen in the reſpective towns in the ſeveral counties of this ſtate in conformity to the third ſection of the act entitled, "an act to regulate highways," ſhall in addition to the powers veſted in them by the ſaid act have full power and lawful authority to lay out ſuch new roads in the ſeveral towns as they may deem neceſſary and proper, ſubject nevertheleſs to an appeal to the ſuperintendants of the county in the ſame manner, and under the reſtrictions preſcribed in the act aforeſaid.

CHAP. LXIV.

An ACT *to regulate Ferries within this State.*

Paſſed the 30th March, 1797.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That from and after the firſt day of November next, no perſon or perſons, except within the Southern diſtrict of this ſtate, the county of Orange, and the county of Clinton, ſhall or may uſe any ferry or ferries for tranſporting acroſs any river, ſtream or lake within this ſtate, any perſon or perſons, or any goods or merchandize for profit or hire, unleſs in the manner herein after directed, under penalty of forfeiting for each offence the ſum of five dol-

No perſons hereafter, except in certain counties, to keep any ferries for pay, except in the manner herein after directed, under a certain penalty.

lars, to be recovered by action of debt before any juſtice of the peace of the county where ſuch offence ſhall be committed, or if the ſame be on waters that divide two counties, then in either of the counties next adjacent the place where the ſaid offence ſhall be committed, which ſaid penalties ſhall be one half to be paid to the overſeers of the poor in the town wherein the forfeiture is recovered, to be applied to the uſe of the poor thereof, and the other half to the perſon who ſhall ſue for and recover the ſame.

Court of common pleas in each county annually to grant licences to ſuch perſons.

And be it further enacted, That the court of common pleas in each of the counties of this ſtate in their ſeſſions may and ſhall grant licences for keeping ferries in their reſpective counties, to as many ſuitable perſons as they may think proper, which licence ſhall continue for one year and no longer. And every perſon who ſhall apply for ſuch licence ſhall, before the ſame is granted, enter into a recognizance to the people of this ſtate in the ſum of one hundred dollars faithfully to keep and attend ſuch ferry, for the keeping of which the ſaid perſon ſhall apply, with a ſufficient and ſafe boat, or with ſuch and ſo many ſufficient and ſafe boats, and ſo many men to work the ſame as ſhall be deemed neceſſary, together with ſufficient implements for ſaid ferry during the ſeveral hours in each day, and at the ſeveral rates as the court of common pleas in the ſeveral counties ſhall from time to time order, direct and determine, which recognizance ſhall forthwith be lodged on file with the clerk of the ſaid county; and every ferryman who ſhall offend herein may be indicted for the ſame before any court of record in this ſtate proper to hear the ſame, and ſhall be ſubject to ſuch fine or penalty as ſuch court may order and adjudge. *Provided*, The ſame ſhall not exceed the ſum of twenty five dollars for each offence. And on proof of ſuch conviction the court of general ſeſſions ſhall direct the recognizance given by ſuch perſon to be eſtreated for the uſe of the people of this ſtate. And when any waters over which a ferry may be erect or uſed divides two counties, the licence obtained in form aforeſaid in either of the ſaid counties ſhall be ſufficient to enable the perſon obtaining the ſame to tranſport perſons, goods wares and merchandize to and from either ſide of ſaid waters. *Provided nevertheleſs*, That nothing in this act contained ſhall in any wiſe be underſtood to affect or alter the ferries granted by charter to the corporations of Albany and Hudſon, or to infringe upon, alter or impair any grants of this ſtate, or any legal right or privilege whatever, belonging to or of right appertaining to any individual or corporation, any thing in this act to the contrary notwithſtanding. *Provided alſo*, That no ſuch licence ſhall be granted to any perſon other than to the owner or occupant of the land through which the highway adjoining to any ferry ſhall run, unleſs ſuch owner ſhall neglect to apply for ſuch licence in manner by this act directed.

Perſons ſo licenſed to enter into recognizance faithfully to attend his ferry.

Ferrymen liable to a penalty for any offence.

A licence to keep a ferry over waters which divide two counties, may be obtained in either county.

This act not to affect charter ferries.

A licence to be granted to no one but the owner or occupier of the land adjoining the ferry.

And be it further enacted, That the clerks of the reſpective counties ſhall be entitled to receive for entering each and every licence by virtue of this act, and for a copy thereof, one dollar and no more.

CHAP. LXV.

An ACT respecting Union College, and for the purposes therein mentioned.

Passed 30th March, 1797.

BE it *enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be lawful for the trustees of Union College, in the town of Schenectady and state of New-York, or the major part of any thirteen or more of the said trustees, to make ordinances, rules or orders, authorising the faculty of the said college to inflict on any student thereof, the punishment of degradation and suspension. *Provided*, That the sentence of the faculty shall in every case be submitted to the said trustees at their next meeting after the passing of such sentence for their approbation or rejection.

Trustees of Union College may pass ordinances necessary for the faculty to inflict the punishments of suspension and degradation.

And be it further enacted, That the said trustees shall have the power to pass ordinances authorising any number of the said trustees, at the days appointed for stated or special meetings, when a sufficient number do not attend for forming a quorum, to adjourn from day to day until a quorum shall be obtained.

And may also pass ordinances for regulating adjournments.

And be it further enacted, That the treasurer shall annually for two years, unless otherwise directed by the legislature, pay to the said trustees, or their order, out of any monies not otherwise appropriated, seven hundred and fifty dollars, for paying the salaries of such additional professors in the said college, as the said trustees shall appoint.

Treasurer to pay 750 dollars annually to trustees.

And be it further enacted, That the treasurer of this state shall annually on the first Tuesday of July, in every year hereafter, during the pleasure of the legislature, pay to the trustees of Columbia College, the sum of five hundred dollars, to be appropriated by the said trustees to the preservation of the Anatomical Museum in the said college, and for procuring additional articles thereto, and for making such allowance as they shall judge proper to the professor of Anatomy in said college, for his services in the care and charge of such Museum.

And 500 dollars annually to the trustees of Columbia College.

CHAP. LXVI.

An ACT to continue in force an Act entitled, "An Act for encreasing the Compensation to the Measurers of Grain and Inspectors of Flour and Meal in this State.

Passed the 30th March, 1797.

BE *it enacted by the People of the State of New-York, represented in the Senate and Assembly*, That the act entitled, "an act for encreasing the compensation to the measurers of grain and the inspectors of flour and meal in this state," passed the first day of April, 1796, be, and the same is hereby continued in force until the first day of April, which will be in the year of our Lord one thousand seven hundred and ninety-eight, the limitations in the said act to the contrary thereof notwithstanding.

CHAP. LXVII.

An ACT *for the Eſtabliſhment and Support of a Lazaretto.*

Paſſed the 30th of March, 1797.

4500 dollars appropriated for erecting a Lazaretto.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That a ſum, not exceeding the ſum of four thouſand five hundred dollars be, and the ſame is hereby appropriated for erecting a Lazaretto, and which ſhall be erected on Nutton or Governor's Iſland, and on ſuch place thereon as the perſon adminiſtering the government of this ſtate ſhall aſſign; and it ſhall be lawful for him to cauſe the ſame to be erected, and ſuch ſpace or quantity of land as he ſhall deem requiſite and convenient as appurtenant thereto, to be fenced in and incloſed, under the direction and ſuperintendance of the commiſſioners of the health office; and it ſhall accordingly be lawful for him to grant warrants on the treaſury from time to time, in favor of the commiſſioners, for ſuch ſums as he ſhall judge proper for the purpoſes aforeſaid, not in the whole to exceed the ſaid ſum of four thouſand five hundred dollars. And it ſhall be further lawful for him in his diſcretion, to direct the ſaid commiſſioners to cauſe the buildings and materials now belonging to the ſtate, on Bedlow's Iſland, to be removed to the place where the ſaid Lazaretto is to be erected, or to be ſold or otherwiſe diſpoſed of, as he ſhall judge moſt expedient.

Expenſes of New-York citizens removed to Lazaretto, to be paid as part of the contingent expenſes of the city.

And be it further enacted, That the expences in the ſaid Lazaretto, of all perſons who ſhall at any time be removed from the city of New-York to the ſaid Lazaretto, having gained a legal ſettlement in the ſaid city, and who ſhall not have ſufficient means to pay for their board, medicine and attendance, ſhall be deemed to be and ſhall be borne and paid as part of the contingent charges of the ſaid city.

Fourth ſection of a former act relative to the Lazaretto, repealed.

And be it further enacted, That ſo much of the fourth ſection of the act entitled "an act to prevent the bringing in and ſpreading of infectious diſeaſes in this ſtate, as authorizes the erection of a building ſuitable to ſerve for a Lazaretto, and the purchaſe of lands on which to build the ſame be and the ſame is hereby repealed.

Treaſurer to pay Richard Bailey and Dr. Bouvier certain ſums for their ſervices laſt year.

And be it further enacted, That there be paid to Richard Bailey, health officer for the city of New-York, the ſum of four hundred and fifty dollars, in full for his ſervices during the laſt year as phyſician to the temporary Lazaretto eſtabliſhed on Bedlow's Iſland, and to Dr. Bouvier, the ſum of four hundred dollars in full for his ſervices as mate to the health officer aforeſaid, in the ſaid Lazaretto, during the laſt year, and that the ſaid ſums be paid by the treaſurer out of any monies in the treaſury, not otherwiſe appropriated.

Maſters and wardens of the ports to demand from captains of veſſels arriving at New-York, a certain ſum for each perſon on board.

And be it further enacted, That the maſters and wardens of the port of New-York, or either of them, are hereby authoriſed and required to demand and receive (and in caſe of neglect or refuſal to ſue for and recover in their own names or in the name of either of them with coſts of ſuit) of and from the captain or commander of every ſhip or other veſſel which ſhall hereafter enter the ſaid port of New-York from any foreign port, the following ſums, viz.—For each captain or

commander one dollar; for each mate fifty cents; for each cabbin paſſenger, one dollar; for each ſteerage paſſenger fifty cents; and for each ſailor on board of ſuch ſhip or veſſel twenty-five cents; which ſeveral ſums ſhall be demandable of the captain or commander of every ſuch ſhip or veſſel, and on payment whereof every ſuch captain or commander ſhall and may lawfully demand and receive of every ſuch perſon on whoſe account the ſame ſhall have been reſpectively paid, the monies ſo by him paid on account of any of the ſaid perſons, and which ſaid monies ſo to be received by the ſaid maſter and wardens, or either of them, ſhall be by them reſpectively paid over to the commiſſioners of the health office in the city of New-York, ſo much thereof as may be neceſſary to be by them applied for the relief of ſick ſeamen and foreigners who may be received into the ſaid lazaretto, and the reſidue if any there be, to be by them paid to the treaſurer of the ſociety of the hoſpital in the city of New-York in America, to be applied by the governors thereof to the relief of ſuch ſeamen and foreigners as may be patients therein.

Said monies to be applied by the health officers for the relief of ſick ſeamen, and the benefit of the hoſpital.

And be it further enacted, That it ſhall be the duty of the ſaid commiſſioners of the health office, to account annually, under oath, to the comptroller for all ſuch monies received and paid by them, and that the maſter and wardens of the ſaid port of New-York, ſhall receive as a compenſation for collecting and paying the ſame at the rate of ſeven per cent.

Commiſſioners of the health office to account for receipts and expenditures of ſaid monies.

And be it further enacted, That the maſter and wardens of the ſaid port of New-York, or ſuch of them as may be in office, ſhall, on or before the firſt day of May next, ſeverally take an oath, before the Mayor of the city of New-York, for the time being, in the words following, that is to ſay: I will well, truly and faithfully, according to the beſt of my ſkill and underſtanding, execute and diſcharge the powers and duties veſted in or enjoined on me by law as maſter (or one of the wardens as the caſe may be) of the port of New-York, ſo help me God." And that all maſters and wardens hereafter to be appointed, before they enter upon the execution of their ſaid offices, ſhall ſeverally take the ſaid oath, and the oath heretofore preſcribed for the ſaid maſter and wardens, ſhall not be adminiſtered after the ſaid firſt day of May.

CHAP. LXVIII.

An ACT *to Incorporate the Stockholders of the Hamilton Manufacturing Society.*

Paſſed the 30th March, 1797.

WHEREAS Jeremiah Van Renſſelaer, and others, aſſociated as a company, under the ſtyle of the Hamilton Manufacturing Society, for the laudable purpoſes of promoting and extending the manufactory of glaſs, have prayed to be incorporated: Therefore,

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That ſuch perſons who now are and hereafter ſhall be ſtockholders of the ſaid ſociety, ſhall be, and are hereby ordained, conſtituted and declared to be one body corporate and politic, in fact and in name, by the name of the Hamilton Manufacturing Society, and that by that

name they and their ſucceſſors, for fourteen years hereafter, ſhall and may have ſucceſſion, and ſhall be perſons in law capable of ſuing and being ſued, pleading and being impleaded, anſwering and being anſwered unto, defending and being defended in all courts and places whatſoever, in all manner of actions, ſuits, complaints, matters and cauſes whatſoever. And that they and their ſucceſſors may have a common ſeal, and may change and alter the ſame at their pleaſure. *Provided always*, That nothing in this act contained ſhall be taken or conſtrued to exonerate the members of the ſaid corporation from any debts which may hereafter be incurred by the directors thereof, but that each and every of the members thereof ſhall, in his individual capacity, be liable to be proſecuted to judgment for any debt due from the ſaid corporation to any perſon whomſoever. And to the intent that the members of the ſaid corporation may from time to time, and at all times be known,

Each ſtockholder in his private capacity, to be reſponſible for the debts of the corporation.

Be it further enacted, That the directors for the time being, ſhall once in every year publiſh the names of the ſtockholders in the ſaid corporation, in one of the newſpapers printed in the city of Albany, and file a copy thereof, ſubſcribed by the ſaid directors, in the office of the clerk of the city and county of Albany.

Directors yearly to publiſh the names of the ſtockholders.

And be it further enacted, That the ſtock, property, affairs and concerns of the ſaid corporation ſhall be managed and conducted by five directors, who ſhall be ſtockholders, and ſhall, together with a factor, be annually choſen and elected on the third Wedneſday in March; and the ſaid directors as ſoon as may be after their election, ſhall proceed in like manner to elect, by ballot, one of their number to be their preſident. And if any vacancy or vacancies ſhall at any time happen among the directors by death, reſignation or removal, ſuch vacancy or vacancies ſhall be filled for the remainder of the year in which they may happen by a ſpecial election for that purpoſe, to be held in the ſame manner as is herein before directed reſpecting annual elections, at ſuch time and place as the remainder of the directors for the time being, or the major part of them, ſhall appoint. And the firſt directors ſhall be Jeremiah Van Renſſelaer, John Sanderſon, Abraham Ten Eyck, Barent G. Staats, and Thomas Morther, who ſhall immediately after their appointment, in the preſence of a judge or magiſtrate, ſubſcribe the following oath or affirmation: I do ſolemnly ſwear, or affirm, that I will well and faithfully diſcharge the office of a director of the Hamilton Manufacturing Society according to the beſt of my ability and underſtanding.

Stock and property to be managed by five directors.

Firſt directors named, and to take an oath.

And be it further enacted, That in caſe it ſhould at any time happen that an election of directors ſhould not be made on any day when, purſuant to this act, it ought to have been made, the ſaid corporation ſhall not for that cauſe be deemed to be diſſolved, but that it ſhall and may be lawful on any other day to hold and make an election of directors in ſuch manner as ſhall have been regulated by the laws and ordinances of the ſaid corporation.

And be it further enacted, That the ſtock of the ſaid corporation ſhall conſiſt of not more than one hundred ſhares, and each ſhare not exceed one thouſand dollars; and to the end that the ſaid corporation may have funds whereon to operate and proſecute ſuch manufactories as aforeſaid,

Stock and ſhares limited.

Directors from time to time may fix the proportions to be paid on each ſhare.

Be it further enacted, That the preſident and directors of the ſaid corporation, ſhall have power and authority from time to time, to fix the ſeveral ſums of money which ſhall be paid by the ſubſcribers or holders of every ſhare of the ſtock of the ſaid corporation, in part of the ſum of one thouſand dollars, being the amount of the ſhare, and the place where the ſame ſhall be received, and ſhall give at leaſt thirty days notice thereof, in the newſpaper printed by the printer of this ſtate for the time being, and in a newſpaper printed in the city of Albany; and if any ſtockholder ſhall refuſe or neglect to pay the ſum ſo required, for the term of thirty days after the time ſo appointed for paying the ſame, every ſuch defaulting ſtockholder ſhall, in addition to the ſum ſo called for, pay at and after the rate of ſeven per cent per month for every month's delay of ſuch payment. And if the ſame, with ſuch intereſt as aforeſaid, ſhall not be paid within one year after the ſame ought to have been paid, then, and in ſuch caſe, the ſhare or ſhares on which ſuch payment and intereſt ſhall be due, ſhall be forfeited to the uſe of the ſtockholders of the ſaid corporation, and may and ſhall be ſold to the higheſt bidder at public vendue.

Directors to meet regularly on four quarter days in each year.

And be it further enacted, That the directors for the time being, ſhall regularly meet on the fourth Wedneſday of March, June, September and December in every year, and at ſuch other times as they may judge expedient; and the ſaid directors for the time being, or a major part of them, ſhall have the diſpoſition of the funds of the ſaid corporation, and ſhall annually, on the third Wedneſday in March, lay before the ſtockholders of the ſaid corporation, a general ſtatement of their accounts and proceedings, which ſame ſtatement of accounts and proceedings, it ſhall be the duty of the directors to lodge with the factor at leaſt ten days previous to ſuch annual meeting, for the inſpection and examination of the ſtockholders. And the directors for the time being, or the major part of them, ſhall have power to make and preſcribe ſuch bye laws, rules and regulations as to them ſhall appear needful and proper, touching the management and diſpoſition of the ſtock, property, eſtate and effects of the ſaid corporation, and touching the duties and conduct of their factor, agents, clerks, artificers and ſervants employed therein, and touching all ſuch matters as appertain to the ſaid corporation, with powers to appoint ſuch and ſo many officers, clerks and ſervants for carrying on the ſaid buſineſs, and with ſuch allowances and ſalaries as ſhall to them ſeem meet. *Provided*, That ſuch bye laws, rules and regulations be not repugnant to the conſtitution and laws of the United States, or of this ſtate.

Directors empowered to make bye laws, &c.

And be it further enacted, That this act be and is hereby declared to be a public act, and ſhall be conſtrued benignly and favorably for every beneficial purpoſe herein intended.

Stockholders may vote in perſon or by agents.

And be it further enacted, That the ſtockholders entitled to vote agreeable to this act, may give their reſpective votes either by themſelves or their agents thereunto ſpecially appointed.

CHAP. LXIX.

An ACT *for the Relief of the Canadian and Nova Scotia Refugees.*

Paſſed 30th March, 1797.

WHEREAS it has been repreſented to the legiſlature, that the lands aſſigned to the Canadian and Nova Scotia refugees upon actual ſurvey are found to contain a leſs quantity than was intended to be conveyed to them. And whereas it appears that there remains a ſufficient quantity of land originally appropriated for their uſe unoccupied to ſupply the deficiency: Therefore,

BE it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, That the commiſſioners of the land office ſhall cauſe the deficiency in the quantity of land intended to be granted to the Canadian and Nova Scotia refugees, to be aſcertained at the expence of the claimants, and ſhall cauſe the ſurveyor general to lay out ſuch deficiency upon the tract immediately weſt of the land already granted to them, and heretofore ſet apart for that purpoſe.

And be it further enacted, That the commiſſioners of the land office ſhall cauſe letters patent to be iſſued to the reſpective claimants, or their legal repreſentatives for the proportion of ſuch deficiency to which they may be reſpectively entitled, upon their paying the patent fees, and their reſpective proportions of the expences of ſurvey.

CHAP. LXX.

An ACT *granting to Anthony Dobbin and James Tuſtin, the Excluſive Right of running Stage Waggons and other Carriages between the Town of Goſhen and the City of New-York.*

Paſſed the 30th March, 1797.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That Anthony Dobbin and James Tuſtin, and their reſpective executors, adminiſtrators and aſſigns, ſhall have, hold, poſſeſs and enjoy, for the term of three years from and after the paſſing of this act, the ſole and excluſive right, liberty and permiſſion to erect, ſet up, and drive at all time and times hereafter, during the term aforeſaid, ſuch ſtage waggon or waggons, or other carriages, between the ſaid town of Goſhen, in the county of Orange, and the city of New-York, as may be ſufficient for the tranſportation of paſſengers on the ſaid rout; and that it ſhall not be lawful for any other perſon or perſons, upon any pretence whatever, during the term aforeſaid, to erect, ſet up, or drive any ſtage waggon or waggons, or any other carriages for the like purpoſe, to and from the places aforeſaid on the ſaid rout, or any part thereof, under the penalty of five hundred dollars, to be recovered by any perſon or perſons who ſhall proſecute for the ſame, together with coſts, in any court of record having cognizance thereof.

And be it further enacted, That the ſaid Anthony Dobbin and James Tuſtin, their executors, adminiſtrators and aſſigns, ſhall furniſh and provide at leaſt one good and ſufficient covered ſtage waggon, or other carriage, to be drawn by four able horſes for the purpoſes aforeſaid; and that the price of each and every paſſenger therein ſhall not exceed four cents per mile, including the privilege of carrying fourteen pounds weight of baggage, and that for every one hundred and fifty pounds

weight of baggage, not exceeding a like ſum of four cents per mile, ſhall be paid for the ſame, and ſo in like proportion for any greater or leſs quantity. And the ſaid ſtage waggon or waggons, or other carriage, ſhall go and return at leaſt once in every week during the ſaid term of three years on the rout aforeſaid, unleſs the ſame ſhall be prevented by any temporary badneſs of the roads, or ſome uncommon let or hindrance. *Provided always*, That in caſe the ſaid Anthony Dobbin and James Tuſtin, their executors, adminiſtrators or aſſigns, ſhall neglect or refuſe to do and perform the duties aforeſaid, according to the true intent and meaning of this act, that in ſuch caſe this act ſhall ceaſe and become void.

CHAP. LXXI.

An ACT *to amend an Act, entitled, "an Act to incorporate the Stockholders of the Bank of Albany.*

Paſſed the 31ſt March, 1797.

WHEREAS the ſtockholders of the bank of Albany, convened at a general meeting of the ſaid ſtockholders, held agreeably to the act entitled, "An act to incorporate the ſtockholders of the bank of Albany," have prayed certain alterations in the act aforeſaid: Therefore,

No two perſons intereſted together as partners in trade or ſpeculations to be elected directors.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That no two or more perſons who are or ſhall be intereſted or connected together as copartners in any mercantile eſtabliſhment or manufactory, or landed ſpeculation, ſhall be eligible to the office of director at the ſame time, and that if any two perſons known to be ſo connected ſhall be elected at any one time, that only the perſon having the greateſt number of votes ſhall be admitted to a ſeat, and the election of the other perſon or perſons ſo connected as copartners ſhall be conſidered as void. And further that if after any election the directors or either of them ſhall know or be informed by any ſtockholder that ſuch connection does exiſt between any two or more perſons choſen directors, it ſhall be the duty of the ſaid directors on receiving the information to appoint three ſtockholders diſconnected with the parties, and not in the direction, to examine the truth of the ſame, and on their certifying in writing that ſuch perſons are ſo connected together, their ſeats ſhall become vacant, and a new election be ordered to ſupply their places.

Directors to claſs themſelves into four claſſes.

And be it further enacted, That the preſent directors of the ſaid bank (except the preſident) ſhall previous to the enſuing election claſs themſelves into four claſſes of three members each; that the firſt claſs be ineligible at the enſuing election; that ſo many of the ſecond claſs as ſhall continue in office until the next annual election ſhall be ineligible at the ſaid election; and ſo many of the third claſs as ſhall continne in office until the next ſucceeding annual election ſhall be ineligible at the ſaid election, and that ſo many of the fourth claſs as ſhall continue in office until the next ſucceeding annual election ſhall be ineligible at the ſaid election; and that the perſons who may be choſen directors at any future election (excepting the preſident for his time being) ſhall be ſo claſſed as not to be eligible as directors for more than three years ſucceſſively until their ſeats have been vacated for one year at leaſt.

CHAP. LXXII.

An ACT *to regulate Buildings within certain Limits of the City of Albany.*

Paſſed 31ſt March, 1797.

WHEREAS the Mayor, Aldermen and commonalty of the city of Albany, have by their petition repreſented to the legiſlature, that it will greatly tend to the ſafety of the ſaid city againſt accidents by fire, to regulate the erecting of wooden buildings within certain limits in the ſaid city: Therefore,

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the exterior walls of all dwelling houſes, ſtores and other buildings which after the firſt day of September next ſhall be built or erected within the city of Albany between the north and ſouth bounds thereof, and extending weſtward to Hawk ſtreet, continued northerly and ſoutherly to the northerly and ſoutherly bounds of the ſaid city, ſhall be made, erected and conſtructed either of ſtone or brick or of timber faced with brick, with party or fire walls riſing twelve inches above the roof, and ſhall be covered, except the flat roof thereof, with tile, tin or ſlate, or other ſafe materials againſt fire, and not with boards or ſhingles: and that the flat of any roof may be covered with boards or ſhingles: *Provided*, ſuch flat do not exceed two fifth parts of the ſpace of ſuch roof; and that there be erected around the ſame flat a ſubſtantial balcony or baluſtrade. *Provided always nevertheleſs*, That all roofs of ſteeples, cupulas and ſpires of churches and other public buildings may be covered with boards and ſhingles, any thing in this act to the contrary notwithſtanding,

And be it further enacted, That if any dwelling houſe ſtore or other building whatſoever ſhall be erected, conſtructed, covered or roofed contrary to this act, except as herein before excepted, the proprietor or proprietors thereof ſhall for every ſuch offence forfeit and pay the ſum of one hundred dollars, and the further ſum of twenty-five dollars for every month ſuch offence ſhall be and continue; and the workmen who ſhall build, conſtruct, raiſe, erect or roof ſuch dwelling houſe, ſtore or other building contrary to this act, ſhall for every ſuch offence forfeit and pay the ſum of fifty dollars, to be recovered with coſts of ſuit in any court of record within this ſtate by any perſon or perſons who ſhall ſue or proſecute for the ſame to effect, the one half thereof to the perſon or perſons ſo proſecuting, and the other half when recovered to the chamberlain of the ſaid city, for the uſe of the poor thereof.

CHAP. LXXIII.

An ACT *to increaſe the number of Firemen in the City of Albany.*

Paſſed 31ſt March, 1797.

WHEREAS it is repreſented by the mayor, aldermen and commonalty of the city of Albany, that the preſent number of firemen are inſufficient for the ſaid city, and that an increaſe will be highly beneficial: Therefore,

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall and may be lawful to and for the mayor aldermen and commonalty of the ſaid city, in common council convened to increaſe the number of firemen which have been appointed in purſuance

of an act entitled "An act for the better extinguiſhing fires in the city of Albany," to a number not exceeding one hundred and fifty firemen, who ſhall be regulated and governed in the ſame manner, be liable to the ſame penalties, and entitled to the ſame privileges and exemptions as are mentioned in the ſame laſt mentioned act.

CHAP. LXXIV.

An ACT *to aſcertain and alter the Line of Diviſion between the Counties of Montgomery and Herkemer.*

Paſſed 31ſt March, 1797.

WHEREAS inconveniences have reſulted to the inhabitants of the counties of Montgomery and Herkemer by reaſon of their being no definite point deſignated by law where the line of diviſion between the ſaid counties ſhould interſect the Mohawk river: Therefore,

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the ſaid line of diviſion ſhall commence at a certain poſt erected at the northweſt corner of the town of Springfield in the county of Otſego, thence a direct courſe or line drawn to the eaſt end of the eaſternmoſt lock of the canal on the north ſide of the Mohawk river at the little falls, thence north agreeable to the magnetic direction of the needle in the year one thouſand ſeven hundred and ſeventy two to the ſoutherly line of a tract of land called Jerſeyfield, from thence a direct courſe to ſtrike the line of diviſion between two certain tracts of land the one known and diſtinguiſhed by the name of Nobleborough, and the other by the name of Arthurborough, thence along the ſaid line of diviſion to the northerly bounds thereof, thence a north courſe to the north bounds of this ſtate. *Provided*, That it ſhall not be neceſſary for the ſurveyor general of this ſtate, to run and ſurvey the ſaid diviſion line between the ſaid counties any further northerly than to the ſaid tract of Nobleborough.

And be it further enacted, That all that part of the county of Herkemer lying eaſtward of the aforeſaid line ſhall be and hereby is annexed to the county of Montgomery, any law to the contrary notwithſtanding.

And be it further enacted, That the inhabitants reſiding thereon ſhall be conſidered as belonging to the ſeveral towns in the county of Montgomery which lie directly ſouth of and adjoining thereto, and which towns in Montgomery ſhall extend northerly ſo as to include all that tract now annexed to the county of Montgomery.

CHAP. LXXV.

An ACT *relative to the Treaſurer of this State.*

Paſſed the 31ſt March, 1797.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall and may be lawful for the treaſurer of this ſtate to reſide and continue his office in the city of New-York until the firſt day of May in the year one thouſand ſeven hundred and ninety-eight, any clauſe or direction in the act entitled "an act for erecting a public building in the county of Albany and for other purpoſes therein mentioned, to the contrary thereof notwithſtanding.

CHAP. LXXVI.

An ACT *relative to the Courts of Common Pleas and General Seſſions of the Peace in the County of Clinton.*

Paſſed the 31ſt March, 1797.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the future terms of the courts of common pleas and general ſeſſions of the peace in the county of Clinton ſhall be holden at the following times and places to wit: The firſt term of the ſaid courts ſhall be holden at the court houſe in the town of Plattſburgh in the ſaid county, on the firſt Tueſday of May next; the ſecond term of the ſame courts at the block houſe in the town of Willſburgh, in the ſaid county, on the firſt Tueſday of October next; and the third term of the ſaid courts at the ſaid court houſe in the town of Plattſburgh on the third Tueſday of January in the year one thouſand ſeven hundred and ninety eight. And the terms of the ſaid courts ſhall be holden thereafter alternately at the ſaid town of Plattſburgh and Willſburgh aforeſaid on the firſt Tueſdays of May and October, and on the third Tueſday of January in each year until further legiſlative proviſion be made in the premiſes.

And be it further enacted, That all proceſs made returnable in the ſaid court of common pleas on the third Tueſday of January laſt, and all proceedings depending in the ſame court ſhall be and hereby are declared valid and in no wiſe diſcontinued. And all proceedings in the ſaid court of general ſeſſions of the peace on the firſt Tueſday of October laſt ſhall be and are hereby continued to the firſt Tueſday of May next, and all perſons bound by recognizance or otherwiſe to appear in the ſaid court of general ſeſſions of the peace on the third Tueſday of April next, ſhall be holden to appear and anſwer in the ſame court on the firſt Tueſday of May next, any thing in any former act to the contrary in any wiſe notwithſtanding.

CHAP. LXXVII.

An ACT *relative to certain Lands held in Truſt by the late Peter Remſen.*

Paſſed the 31ſt March, 1797.

WHEREAS the following lots or parcels of land, ſituate in the town of German Flatts, in the county of Herkemer, diſtinguiſhed in a certain indenture bearing date the eighteenth day of September, one thouſand ſeven hundred and ſixty five, made between Hans Dederick Stelly and others of the firſt part and Peter Remſen, then of the city of New-York, merchant, of the ſecond part, by lots number forty five, forty ſix, and forty ſeven, were thereby granted to the ſaid Peter Remſen, and to his heirs, in truſt for the ſupport of the miniſters of the goſpel in conformity to the proviſions contained in the ſaid indenture. And whereas the ſaid Peter Remſen is ſince deceaſed leaving the rents of the ſaid lands uncollected, and legiſlative interference having been prayed for in the premiſes: Therefore,

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall and may be lawful for the heir or heirs of the ſaid Peter Remſen, and for any other perſon or perſons in whom the ſaid truſt eſtate is veſted, to convey and transfer the ſame to the corpora-

tion known and distinguished by the name of the ministers, elders and deacons of the reformed Protestant Dutch church of the town of German Flatts in the county of Herkemer, to be held by the said corporation and the successors thereof, to and for the uses in the indenture aforesaid particularly specified and intended, and to and for no other use whatsoever, together with all and singular the rights and privileges incident to the said trust.

And be it further enacted, That it shall and may be lawful to and for the corporation aforesaid, after being vested with such trust, to institute suits and to prosecute the same to judgment and execution for any rents still due and in arrear, which may have been charged on the said lands by the said Peter Remsen, or by any other person in whom the said trust was vested after his decease, or by his or their agent or agents, as fully and effectually as the said Peter Remsen or any such other trustee or trustees might have done, and also to institute suits and to prosecute the same to judgment and execution for any trespasses committed by any person or persons whomsoever on the said trust estate antecedent to the passing of this act. *Provided always*, That no such suit shall lay against any person who had heretofore been prosecuted, and against whom judgment may have been obtained by the said Peter Remsen, or by any person or persons in whom the trust aforesaid has been vested since the decease of the said Peter Remsen.

CHAP. LXXVIII.

An ACT *for the Relief of James Desbrosses and Isaac Sniffen.*

Passed 31th March, 1797.

A certain sum of money is due to the estate of Elias Desbrosses.

WHEREAS it appears from the certificate of the honorable John Sloss Hobart, Esquire, one of the Judges of the supreme court of this state, that the sum of two hundred and two pounds fifteen shillings and one penny farthing is due to the executor of the estate of Elias Desbrosses, deceased, from the forfeited estate of Charles Inglis, late of the city of New-York, clerk, upon a certain bond executed by him: Therefore,

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the treasurer of this state be and he is hereby directed to pay to James Desbrosses, surviving executor of the estate of Elias Desbrosses deceased, the sum of five hundred and six dollars and eighty nine cents from the proceeds of the forfeited estate of the said Charles Inglis, if any such monies there be in the treasury, upon the said James Desbrosses delivering and depositing the said bond with the treasurer, and making oath before him that he the said James Desbrosses hath not, nor hath any other person to his knowledge or belief, received or secured, and that he doth not expect to receive or secure any part of the said debt in any manner or way whatsoever, the provisions made by this act only excepted.

Treasurer to pay said sum.

A certain sum is due to the estate of Margaret Jones.

WHEREAS it hath been represented to the legislature that Joseph Merrit and Joseph Brundridge, senior, late of the county of Westchester, deceased, in the life time of the said Joseph Merrit, and of the said Joseph Brundridge, to wit, on the twenty ninth day of April in the year one thousand seven hundred and seventy six, executed to Margaret Jones, late of Rye, in the county

aforeſaid, a bond or obligation for the proper debt of the ſaid Joſeph Merrit, conditioned for the payment of ſeventy two pounds, with lawful intereſt for the ſame, on or before the twenty ninth day of April then next. That the eſtate of the ſaid Joſeph Merrit hath been confiſcated, that there is now in the treaſury of this ſtate a ſum more than ſufficient to pay the ſaid debt: Therefore,

Treaſurer on due of ſaid bond being executed, to pay the amount.

BE it further enacted, That it ſhall be lawful for the ſaid treaſurer, and he is hereby directed upon due proof being made to him of the execution of the ſaid bond, to pay to Iſaac Sniffen, acting and ſurviving executor of the ſaid Margaret Jones, ſuch ſum as the ſaid treaſurer ſhall find to be due on the ſaid bond, computing intereſt thereon to the firſt day of January one thouſand ſeven hundred and eighty nine only, upon the ſaid executor's making oath before the ſaid treaſurer that he hath not nor hath any perſon on his behalf to his knowledge or belief received or ſecured, nor doth he expect to receive or ſecure any part of the ſaid debt in any manner or way whatſoever, the proviſion made by this act only excepted, and delivering up the ſaid bond to the ſaid treaſurer.

And be it further enacted, That the ſaid James Deſbroſſes and Iſaac Sniffen ſhall on receiving the monies aforeſaid give ſecurity to the people of this ſtate to the ſatisfaction of the treaſurer, to refund the ſaid ſums of money as they may ſeverally receive, or ſuch part thereof as may be neceſſary to diſcharge any incumbrance which may hereafter appear on the ſaid reſpective forfeited eſtates, and to ſatisfy any claim or demand hereafter to be made againſt the people of this ſtate or againſt thoſe claiming under them by reaſon of the forfeiture and ſale of the eſtates of the ſaid Charles Inglis and Joſeph Merrit reſpectively.

CHAP. LXXIX.

An ACT *for the Relief of Henry Schoonmaker.*

Paſſed 31ſt March, 1797.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall and may be lawful for the commiſſioners of the land office to grant letters patent to Henry Schoonmaker, or his aſſigns, for two hundred acres of land, out of any of the unappropriated lands of this ſtate on his producing to them a certificate of his having in company with others of the ſame claſs, furniſhed a man to ſerve in the levies of this ſtate in the year one thouſand ſeven hundred and eighty three, together with a conveyance from the other perſons concerned, to him for their reſpective ſhares in ſuch land. *Provided*, That the land hereby intended to be granted, be located in ſuch form and place as ſhall in the judgment of the commiſſioners be fair and equitable both with reſpect to the ſaid Henry Schoonmaker and to the intereſt of the ſtate.

CHAP. LXXX.

An ACT *for the Relief of the Tenants of Peter Smith and Others.*

Paſſed the 1ſt day of April, 1797.

WHEREAS by the ninth ſection of the act entitled "An act for the better ſupport of the Oneida, Onondaga and Cayuga Indians, and

for other purpoſes therein mentioned," in was provided that Peter Smith and every tenant then holding lands in the tract leaſed by the Oneida Indians to the ſaid Peter Smith as a ſub-leſſee under him ſhould have the right of pre-emption to ſuch lands at the mean price for which other lands to be purchaſed by virtue of the ſaid act from the ſaid Indians ſhould be ſold, and a like proviſion, by the tenth ſection of the ſaid act, was extended to certain deſignated occupants on other parts of the ſaid tract not leaſed to the ſaid Peter Smith. And whereas the ſaid ſub-leſſees are by the tenure of their leaſes ſubjected to the payment of an annual rent to the ſaid Peter Smith, by means whereof the terms on which they are intitled to the right of pre-emption, are leſs favorable to them than the terms on which ſuch other occupants are become intitled to the right of pre-emption, and it being meet and proper that no diſcrimination ſhould prevail between ſuch ſub-leſſees and ſuch other occupants: Therefore,

By a certain act it is provided, that Peter Smith and all his tenants ſhould have the right of pre-emption of certain lands, &c.

Mode to be purſued for making the proviſion in the two caſes equal.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That if the ſaid Peter Smith ſhall on or before the fifteenth day of May next, ſignify by writing under his hand and ſeal, to the ſurveyor general of this ſtate, that he is willing and doth conſent to exonerate and releaſe all the rents to become due to him from and after the fifteenth of January laſt paſt, from ſuch of his ſub-leſſees or occupants under him, whoſe names have been certified to the ſurveyor general by the agents appointed by the ſaid act, as intitled to the remainder and reverſion of the lands leaſed to them reſpectively, and alſo to the proviſion in their favor contained in the tenth ſection of the act ſupplementary to the act aforeſaid, that then the ſurveyor general ſhall, and he is hereby required to credit the ſaid Peter Smith with the preſent value of all the rent to become due from ſuch ſub-leſſees as aforeſaid, eſtimating ſuch preſent value on the unexpired term of ſeventeen years, at one ſhilling per acre for each acre ſo certified as aforeſaid, and computing on a compound intereſt of ſix per centum per annum, and ſhall charge the ſaid Peter Smith with the preſent value of the rent ſtipulated in the leaſe to him from the Oneida Indians, eſtimating ſuch preſent value on the term of nineteen years, and computing on a compound intereſt of ſix per centum per annum, and the difference between the two preſent values aforeſaid ſhall, by the ſurveyor general, be deducted from the ſum for which the ſaid Peter Smith was to execute a mortgage to the people of this ſtate in conformity to the ſaid act; and the ſurveyor general ſhall thereupon take a releaſe of all ſuch rents as aforeſaid from the ſaid Peter Smith, to the leſſees by this act intended to be releaſed and exonerated from ſuch rent and to none others; but in caſe the ſaid Peter Smith ſhall refuſe or neglect to ſignify his aſſent to ſuch exoneration, or ſhall refuſe or neglect to execute ſuch releaſe, and to accept of ſuch compenſation as aforeſaid, that then the ſurveyor general ſhall charge him with the preſent value of the rent ſtipulated in the leaſe to him from the Oneida Indians, and add the amount to the ſum for which he is to give a mortgage, ariſing from ſuch mean price as aforeſaid, and ſhall then divide the preſent value of the rents eſtimated as above mentioned *pro rata*, between ſuch ſub-leſſees and occupants, according to the reſpective number of acres to which the right of pre-emption in the remainder and reverſion has been certified by the ſaid agents, and ſhall deduct the proportion which each is entitled to of ſuch preſent value from

the amount ariſing from ſuch mean price as aforeſaid, and take a mortgage from each for the reſidue in manner directed by the ſaid act, but no leſſee, in whoſe favor this proviſion is made, ſhall be entitled to any part of the allowance intended by the tenth ſection of the act ſupplementary to the act aforeſaid.

AND WHEREAS doubts have ariſen relative to the principle on which the mean price of the lands in the Cayuga tract is to be eſtimated: Therefore,

The mean price to be paid by perſons entitled to the pre-emption of lands in the Cayuga tract.

BE it further enacted, That the mean price to be paid by ſuch occupants, whoſe names have been certified by the agents aforeſaid as intitled to the right of pre-emption, in conformity to the act firſt above mentioned, ſhall be eſtimated on the lands ſold in that part of the ſaid tract lying to the ſouth of the great Geneſſee road, and for which payment has actually been made to the ſurveyor general, or ſecured to be paid by mortgage or otherwiſe, any thing in the act ſupplementary to the act aforeſaid notwithſtanding.

Reciting that agents on the part of the ſtate have quitted claim to Indians certain land.

AND WHEREAS the ſaid agents appointed on the part of the people of this ſtate, have lately quit claimed on the part of the people of this ſtate to the Oneida tribe of Indians, all the lands, tenements and hereditaments, ſituate or lying between the Chittenengo and Connoſſeraga creeks, as far ſouth as to meet an eaſterly line from the deep ſpring to the eaſtermoſt of the ſaid creeks, to be drawn by the ſhorteſt diſtance between the ſaid ſpring and the ſaid eaſtermoſt creek, and as far north as to the junction of the ſaid two creeks. And whereas it is repreſented, that ſeveral locations have been laid in part covering the lands ſo quit claimed, one in the name of Ezekiel Scott, another in the name of Jonathan Pearſee, another in the name of Jellis A. Fonda, and another in the name of Peter B. Tearſe, which locations are ſaid to have been certified to the commiſſioners of the land office as having been made in conformity to law, but no grants have been made of any part of the land ſo quit claimed on account of the claim of the ſaid Indians: And whereas the right to the ſaid locations and to the lands to be granted in conſequence thereof, is now claimed by Richard Varick, mayor of the city of New-York, who has refuſed to accept the proviſion made in and by the eighth ſection of the act entitled an act ſupplementary to the act entitled "An act for the better ſupport of the Oneida, Onondaga and Cayuga Indians, and for other purpoſes therein mentioned," and by his memorial preſented to the legiſlature hath prayed relief in the premiſes: Therefore,

And that ſome of ſaid lands were located.

And that the right to the ſaid locations is now veſted in Richard Varick.

Such locations may be withdrawn.

BE it further enacted, That it ſhall and may be lawful for the perſon or perſons intitled to the ſaid reſpective locations, or any or either of them, to withdraw ſuch part or parts thereof as are included in the tract ſo quit claimed, and to locate an equal quantity in any part or parts of the lands purchaſed of the Cayuga Indians in the year one thouſand ſeven hundred and ninety-five, and not already ſold or otherwiſe appropriated; and the commiſſioners of the land office are hereby authoriſed to cauſe letters patent to be iſſued, as well for ſuch parts of the ſaid lands ſo heretofore located as are not quit claimed as aforeſaid, as for ſuch lands ſo to be located in lieu of the lands from which the ſaid former locations ſhall be ſo withdrawn as aforeſaid, there-

by granting the ſame to the perſon or perſons ſo intitled as aforeſaid, and to his, her, or their heirs and aſſigns forever. *Provided*, That ſuch location or locations be made on or before the firſt day of September next. But if the ſaid perſon or perſons ſo intitled to the ſaid locations reſpectively, his, her or their heirs or aſſigns, ſhall think proper to retain the ſaid locations ſo laid as aforeſaid, and to wait for a grant of thoſe parts thereof which lay between the Chittenengo and Connoſſeraga creeks, until the ſtate ſhall purchaſe the right of the ſaid Indians, or they ſhall abandon the ſame, then and in ſuch caſe, the commiſſioners of the land office are hereby authoriſed to cauſe letters patents to be iſſued as ſoon as conveniently may be for ſuch parts of the land ſo located as aforeſaid as are not included in the ſaid tract ſo quit claimed, thereby granting the ſame to the perſon or perſons ſo intitled as aforeſaid, and to his, her, or their heirs and aſſigns for ever, which ſhall not prejudice his, her or their claim to the reſidue of the land ſo located when the Indian right to the ſame ſhall be extinguiſhed.

Or if the perſons entitled to ſuch locations think proper they may let them remain.

CHAP. LXXXI.

An ACT *for extinguiſhing Fires in the Village of Jamaica, in Queen's County.*

Paſſed 1ſt April, 1797.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall and may be lawful for the proprietors of a certain fire engine, purchaſed by ſundry inhabitants of the village of Jamaica, on the firſt Monday in May in every year, to chooſe not leſs than three nor more than five truſtees, to be called the fire company of the village of Jamaica.

Truſtees may appoint firemen.

And be it further enacted, That the truſtees ſo to be choſen as aforeſaid, or a major part of them, ſhall have full power and authority to nominate and appoint a ſufficient number of firemen (willing to accept) not exceeding thirteen, to have the care, management, working and uſing the ſaid fire engine, and the other tools and implements to be provided for the extinguiſhing of fires within the ſaid village, which perſons ſo to be nominated and appointed as aforeſaid, ſhall be called the firemen of the village of Jamaica, who are hereby required to be ready at all fires as well by night as by day, to manage, work and uſe the ſaid fire engine and other tools and implements aforeſaid.

Firemen to be exempt from military duty, and truſtees empowered to diſplace them at their pleaſure.

And be it further enacted, That each of the perſons ſo to be nominated and appointed ſhall during his continuance in office be exempt from military duty, except in times of invaſion or other imminent danger, and further that the ſaid truſtees, or a major part of them, ſhall have power from time to time to remove any firemen ſo to be appointed, and others to appoint in the room or ſtead of thoſe ſo removed, when and as often as they ſhall think proper; and further that it ſhall be lawful for the ſaid truſtees, or a major part of them, to make, eſtabliſh and ordain ſuch rules and regulations for the government of the perſons ſo to be appointed firemen, for the purpoſe of uſing, trying and working the ſaid fire engines, tools and implements, and to impoſe on them ſuch reaſonable fines and penalties, not exceeding five dollars for any one offence,

upon ſuch firemen or any of them, in not performing the duties hereby to be enjoined or required from them, as they from time to time may think proper.

Fines how to be recovered and applied.

And be it further enacted, That all fines incurred by virtue of this act ſhall and may be recovered by any one of the truſtees aforeſaid, in his own name, before any juſtice of the peace in the ſaid county, with coſts of ſuit, to be reported to the ſaid board of truſtees, and appropriated by a majority of them for the purpoſe of procuring and keeping in repair the fire engine and other implements neceſſary for the extinguiſhing of fires in the ſaid village of Jamaica.

Truſtees to appoint a clerk, who ſhall enter in a book the names of the proprietors of the engine, &c.

And be it further enacted, That it ſhall and may be lawful for the ſaid truſtees from time to time to appoint a clerk, who ſhall enter in a book to be kept for the purpoſe, the names of the proprietors of the ſaid fire engine, and the names of the ſaid truſtees ſo from time to time to be choſen, and the names of the firemen to be by them from time to time appointed or removed, together with ſuch rules and regulations as ſhall from time to time be made for the government of the perſons ſo to be appointed firemen, which entries may be given in evidence in any trial for the recovery of any penalty which may be incurred by virtue of this act.

CHAP. LXXXII.

An ACT *for altering the Time for holding the Circuit Court in the County of Renſſelaer, and for other purpoſes therein mentioned.*

Paſſed the 1ſt of April, 1797.

BE *it enacted by the People of the State of New-York, repreſented in the Senate and Aſſembly*, That inſtead of the fouth Monday in June, the time now preſcribed by law for the commencement of the circuit court in the county of Renſſelaer, the ſame ſhall commence on the third Monday in September in each and every year, any thing in the act entitled an act regulating the holding circuit courts in this ſtate to the contrary notwithſtanding.

And be it further enacted, That the court of common pleas and general ſeſſions of the peace in and for the county of Saratoga, held by law on the ſecond Tueſday in May, ſhall from and after the fifteenth day of May next, be held on the ſecond Tueſday in April, in every year thereafter, and may continue to be held until the Saturday next following, incluſive, *Provided always*, That it ſhall be lawful for the judges and juſtices of the ſaid court when they conceive the due adminiſtration of juſtice will admit thereof to adjourn the ſaid court to the next ſucceeding term on any day preceding the laſt day to which the power of holding the ſaid court is hereby extended as aforeſaid.

CHAP. LXXXIII.

An ACT *to provide for the payment of the Annuities to the Indians, ſtipulated to be paid by this State.*

Paſſed the 1ſt of April, 1797.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame*, That

there ſhall be paid by this ſtate to the Oneida Indians an additional annuity of ſix hundred and ſeventeen dollars and twenty-eight cents, and to the poſterity of the Cayuga Chief Fiſh Carrier an annuity of fifty dollars, according to the agreement made with the ſaid Indians by the agents appointed in and by the act entitled "an Act for the better ſupport of the Oneida, Onondaga and Cayuga Indians, and for other purpoſes therein mentioned," which ſeveral annuities ſhall be paid on the firſt day of June next, at the ſeveral places ſpecified in the contracts made with the ſaid tribes in the year one thouſand ſeven hundred and ninety-five, and on the firſt day of June yearly thereafter, out of any monies then in the treaſury. And that as well the ſaid annuities as all other annuities payable by this ſtate to any Indians, ſhall be paid yearly out of the treaſury of this ſtate to ſuch perſon or perſons as the perſon adminiſtering the government of this ſtate for the time being ſhall from time to time by warrant or warrants under his hand and the privy ſeal of this ſtate direct and appoint to receive the ſame. And the perſon adminiſtering the government of this ſtate for the time being is hereby authorized to cauſe the ſaid annuities to be paid to the ſaid Indians at the expence of this ſtate, in ſuch manner and by ſuch perſons as he may think proper, or may be moſt agreeable to the ſaid Indians and the leaſt expenſive to this ſtate; and may for that purpoſe direct the ſurveyor general to perform that ſervice, or make ſuch arrangements or contracts with any other perſons relative to the premiſes as he may judge proper.

CHAP LXXXIV.

An ACT *further to amend an Act entitled "an Act for the Partition of Lands."*

Paſſed the 1ſt of April, 1797.

WHEREAS it frequently happens that lands and eſtates lying in different counties within this ſtate are held and owned by ſeveral as tenants in common, joint tenants or coparcener.

AND WHEREAS the frequent diviſion of counties in this ſtate by ſeparating into different counties, eſtates which before ſuch diviſion were ſituated in one county, renders the partition of ſuch lands agreeably to the mode preſcribed in and by the fifteenth ſection of the act entitled "An act for the partition of lands," more inconvenient and expenſive to the parties therein intereſted: Therefore,

Where lands held in joint tenancy or tenancy in common lay in two counties, the court of common pleas of the county to appoint the commiſſioners for dividing the ſame.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That whenever it ſhall or may happen that lands and eſtates lying in different counties in this ſtate are held and owned by ſeveral as tenants in common, joint tenants. or coparceners, and ſhall ſo as aforeſaid have been affected, or ſhall hereafter be affected by the diviſion of any county or counties, it ſhall and may be lawful for the court of common pleas in the county where the greateſt part in value of ſuch lands, tenements or hereditaments ſhall be, upon the application of one or more of the owners or proprietors of ſuch lands, tenements and hereditaments for partition thereof, it being proved to the ſatisfaction of the ſaid court to whom ſuch application ſhall be made, that the greateſt part in value of ſuch lands, tenements and hereditaments ſo to be divided do lie within the ſaid county, and that they do not exceed in value the ſum of twenty thouſand dol-

lars, to appoint commiſſioners preſcribed in and by the ſaid fifteenth ſection of the ſaid act entitled "an act for the partition of lands," which commiſſioners ſhall and may proceed to a partition of ſuch lands, tenements and hereditaments held in common as well in the county in which the greateſt part in value thereof lie, as in the other counties in which other parcels thereof are ſituated, in like manner as they might have done if the whole of ſuch lands, tenements and hereditaments were of a leſs value than twelve thouſand five hundred dollars, and were ſituate in the county in which ſuch commiſſioners were appointed.

And ſaid commiſſioners to divide the lands ſo lying in two counties.

Provided always, That the whole of the eſtate ſo to be divided as aforeſaid, ſhall not exceed in value the ſum of thirty thouſand dollars.

Provided further, That this act ſhall not affect or be extended to any lands, tenements and hereditaments, other than ſuch as lie in counties contiguous to each other, and are comprehended within one and the ſame patent or grant, or lie adjoining to each other.

CHAP. LXXXV.

An ACT *to eſtabliſh a Juriſdiction Line between the County of Saratoga and the Town of Schenectady, and to Repeal the Act therein mentioned.*

Paſſed the 1ſt day of April, 1797.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the lines ſpecified in the award of the late commiſſioners that were appointed by an act entitled "An act for ſettling the line or lines of diviſion between the town of Schenectady and the patent of Kayaderoſſeras, paſſed the 19th day of January, 1793" (as the ſaid award reſpects the eaſterly and northerly bounds of the ſaid town) ſhall hereafter be the juriſdiction line between the county of Saratoga and the town of Schenectady, and that the act entitled "An act to eſtabliſh a temporary juriſdiction line between the town of Schenectady and the county of Saratoga," be and hereby is repealed.

CHAP. LXXXVI.

An ACT *for apportioning the Poor of the late Town of Saratoga, among the Towns therein mentioned, and for other purpoſes.*

Paſſed the 1ſt day of April, 1797.

WHEREAS no adequate proviſion hath been made by law ſince the diviſion of the late town of Saratoga, for apportioning the poor belonging to the ſaid town, among ſuch parts thereof as have been erected into ſeparate towns: Therefore,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, That Eliſha Powel, Robert Perrigo and Hugh Peebles be and hereby are appointed commiſſioners for the purpoſe of apportioning the poor among the towns of Saratoga and Stillwater in the county of Saratoga, and the town of Eaſton, in the county of Waſhington, and for ſettling and adjuſting all the unſettled accounts of the late town of Saratoga, which were unſettled at the time of the diviſion of the ſaid town into other towns as aforeſaid: and all ſuch accounts as have ariſen ſince ſuch diviſion, for the maintenance of poor perſons, by any one of the

ſaid towns that ought to have been maintained by another town in ſuch manner as ſhall appear juſt and equitable to the ſaid commiſſioners or to a majority of them.

And be it further enacted, That each of the ſaid towns ſhall after the ſaid apportionment maintain ſuch poor as ſhall be allotted to it by the ſaid commiſſioners, or a majority of them.

And be it further enacted, That if after the ſettlement of the accounts of the ſaid towns as aforeſaid, it ſhall be found that either of the aforementioned towns has not paid its proportion towards the maintenance of ſuch poor, and that by reaſon of ſuch deficiency any of the ſaid towns has contributed more than its proportion, that then and in ſuch caſe it ſhall be the duty of the ſuperviſors of the county of Saratoga, if the balance ſhall be found due from any of the towns of the county of Saratoga, and of the ſuperviſors of the county of Waſhington, if the balance ſhall be due from the town of Eaſton, in ſuch county, to cauſe to be raiſed, levied and collected from the freeholders and inhabitants of the town from which it ſhall be ſo found due, ſuch ſum or ſums of money as the commiſſioners, or a majority of them, ſhall certify to be due from one town to another, and that the ſum or ſums ſo collected as aforeſaid ſhall be paid to the overſeers of the poor of the town, ſpecified in the ſaid certificate of the ſaid commiſſioners, or a majority of them.

And be it further enacted, That the ſaid commiſſioners be, and they are hereby authoriſed and required to meet on the firſt Tueſday of May next, or within ten days thereafter, at the houſe of Ezekiel Enſign, in the town of Stillwater, for the purpoſes aforeſaid, and ſhall have power to adjourn from time to time until they ſhall have completed the buſineſs, and that the deciſions of the ſaid commiſſioners, or a majority of them, touching the matters in this act contained, ſhall be binding and concluſive between the ſaid towns.

CHAP. LXXXVII.

An ACT *for conſtructing a Road and eſtabliſhing and erecting Turnpikes between the City of Albany, and the Town of Schenectady.*

Paſſed the 1ſt day of April, 1797.

WHEREAS a good and ſufficient road between the city of Albany and the town of Schenectady will manifeſtly tend to the advantage of the citizens of this ſtate: Therefore,

Acompany of ſtockholders incorporated by the name of the Preſident, Directors and company of the Albany and Schenectady, turnpikes, &c.

BE it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, That there ſhall be eſtabliſhed a company of ſtockholders for the purpoſe of making a good and ſufficient road, to begin one mile from the court houſe in the city of Albany, and to go by the neareſt and moſt direct rout from the place of beginning to the ſtone commonly called the ſixteenth mile ſtone near the village of Schenectady, on the common road now uſed from the city of Albany to the village of Schenectady, and be called and known by the name of "The Preſident, Directors and Company of the Albany and Schenectady Turnpikes in the county of Albany, and ſtate of New-York." That the capital ſtock of the ſaid company ſhall conſiſt of two thouſand ſhares, and that ſubſcriptions for ſhares in the ſaid company ſhall be taken in the manner following, to wit: Jacob Van Der

Stock to conſiſt of 2000 ſhares.

Heyden, Killiam K. Van Renſſelaer, Sanders Lanſing, and James Van Ingen, or any two of them, ſhall be a board of commiſſioners for taking ſubſcriptions in the city of Albany, and John Glen, James Murdoch, David Tomlinſon, and Joſeph C. Yates, or any two of them, ſhall be a board of commiſſioners for the like purpoſe in the town of Schenectady. And that each board ſhall provide one book, and ſhall enter therein as follows: "We whoſe names are hereunto ſubſcribed do, for ourſelves and our legal repreſentatives, promiſe to pay to the Preſident, Directors and Company of the Albany and Schenectady turnpikes in the county of Albany, and ſtate of New-York, eſtabliſhed and incorporated by the act entitled an act for conſtructing a road, and eſtabliſhing and erecting turnpikes between the city of Albany and the town of Schenectady, ſuch ſums of money for each ſhare which we or our legal repreſentatives ſhall from time to time hold in the ſaid corporation, and in ſuch proportions and at ſuch time and times as the preſident and directors aforeſaid ſhall direct and require." And the ſaid boards of commiſſioners reſpectively ſhall open their books for taking in ſubſcriptions for the purpoſe aforeſaid on the third Tueſday in May next, and ſhall take the ſubſcription of every perſon who ſhall offer to become a ſubſcriber, from day to day (Sundays excepted) for the period of ninety days; and the commiſſioners above named, or any three of them, ſhall at leaſt fourteen days previous to the third Tueſday in May, give notice of the days on which the ſubſcription books ſhall be opened, and of the days inclusive on which the ſame will cloſe, in both places, in one of the newſpapers printed in the city of Albany, and in the newſpaper printed in the town of Schenectady. *Provided always*, That every ſubſcriber ſhall at the time of ſubſcribing pay unto the ſaid commiſſioners with whom he or ſhe ſhall ſubſcribe, the ſum of ten dollars for each ſhare by him or her ſubſcribed, and if any ſubſcriber ſhall at the time of ſubſcription pay for more ſhares than ſhall eventually be certified by the ſaid commiſſioners, then and in every ſuch caſe the commiſſioners ſhall retain no more of the ſubſcription money in their hands than will amount to the ſhares ſo certified, at the rate of ten dollars for each ſhare, and return the overplus to the ſubſcriber entitled thereto. *And provided further*, That within the period above mentioned no perſon or body politic or corporate ſhall ſubſcribe more than ten ſhares. And the commiſſioners by this act appointed ſhall on the day next after the expiration of the aforeſaid ninety days, or as ſoon thereafter as may be, convene, and if it ſhall appear to them or any five of them that one thouſand ſhares have not been ſubſcribed to the company, they ſhall, by advertiſements to be publiſhed as aforeſaid give notice that on a day certain, which day ſhall not be leſs than eight days from the firſt publication of ſuch notice, their books will again be opened, at ſuch of the ſaid places as they may think proper, and that they will continue to receive ſubſcriptions from day to day (Sundays excepted) for the ſpace or ten days, or until two thouſand ſhares in the whole have been ſubſcribed; and on ſuch laſt ſubſcription any perſon or body politic or corporate may ſubſcribe any number of ſhares at pleaſure, not exceeding the deficiency; and if at the end of the ſaid ten days two thouſand ſhares ſhall not be ſo ſubſcribed, then the books ſhall be cloſed. And it ſhall and may be lawful for the ſaid company after they

Form of ſubſcription, and to be entered in a book.

Book to be opened for ſubſcriptions on the 3d Tueſday in May.

Ten dollars on each ſhare to be paid at the time of ſubſcription.

No perſon within ſaid 90 days to ſubſcribe more than ten ſhares, and if 1000 ſhares ſhall not be ſubſcribed within ſaid time, commiſſioners to give notice that they will open the books again for 10 days or until the 2000 ſhares are ſubſcribed.

shall have become incorporated in manner herein prescribed, to take in subscriptions for the deficient shares or not as to the stockholders of the said company shall seem proper; but if it shall appear to the said commissioners on the expiration of the said ten days, or on closing the books last as aforesaid, that the aggregate of all the shares subscribed exceed two thousand shares, the excess shall be deducted from the respective subscribers to the company in manner following to wit: If the whole number of subscribers amount to two thousand whatever may be the number of shares each subscriber shall be entitled to one share. If the whole number of subscribers exceed two thousand it shall be determined by lot by the said commissioners which of the subscribers shall be intitled to a share and which not. If the number of subscribers are less than two thousand, and the number of shares by them subscribed exceed two thousand shares, then those who have only subscribed one share shall be intitled to such share, and the remainder of the subscribers shall be classed into nine classes: One class to consist of all those who have subscribed two shares; one class to consist of all those who have subscribed three shares; one class of those who have subscribed four shares; one class of those who have subscribed five shares; one class of those who have subscribed six shares; one class of those who have subscribed seven shares; one class of those who have subscribed eight shares; one class of those who have subscribed nine shares; and one class of those who have subscribed ten shares; after which the shares to be deducted from each class shall be determined by the following rule, to wit—as the aggregate of all the shares subscribed by the nine classes is to the excess above two thousand, so is the aggregate of the shares subscribed by any class to the shares to be deducted from that class; the aggregate deduction to be made from each class being thus determined, if such aggregate is less than one share for each, it shall be determined by lot which of the subscribers shall hold two shares; if such aggregate is more than one share to each subscriber, it shall be dermined by lot which of the subscribers shall hold one share, and the like rule shall be applied to the deduction in each of the other eight classes: And the said commissioners shall then enter in the book of subscription the names of the subscribers, designating the number of shares to which each subscriber shall be intitled, and having acknowledged the same before one of the judges of the court of common pleas of the county of Albany, shall cause the same to be recorded in the office of the clerk of said county.

But if on closing the books the shares subscribed exceed 2000 the excess to be deducted from among all the subscribers.

Commissioners to enter the names of the subscribers, and their number of shares, in a book, to be recorded in the clerk's office of Albany.

And be it further enacted, That immediately from and after the recording in manner aforesaid, the persons in the said list named as subscribers, whilst they continue stockholders therein, and all others who shall become stockholders therein, shall be and are hereby created and made a corporation and body politic, in fact and in name, by the name and stile of the President, Directors and Company of the Albany and Shenectady turnpikes, in the county of Albany and state of New-York, and that by that name they and their successors for ever, shall and may have perpetual succession; and by that name shall be and hereby are made able and capable in law, to have, purchase, receive, possess, enjoy and retain to them and to their respective successors, lands, rents, tenements, hereditaments, goods, chattles and effects of what kind

And immediately after such recording, the subscribers created a corporation, holding real and personal estate to the amount of 200,000 dollars.

or quality ſoever, to the amount of two hundred thouſand dollars, and the increaſe and profits thereof, and of enlarging the ſame from time to time, by additional payments of the ſtockholders of the company, and in ſuch manner and form as they ſhall think neceſſary, if ſuch additional payments ſhall be found neceſſary to fulfil the end and intent of the incorporation hereby created and made, and herein after particularly ſpecified and directed, and to no other uſe, intent, or purpoſe whatſoever,

And the ſame eſtates or any part thereof, to ſell or demiſe, and to be capable of ſuing, &c.

and the ſame eſtate or eſtates or any part thereof, to ſell, grant, demiſe, alien, or diſpoſe of, to ſue and be ſued, plead and be impleaded, anſwer and be anſwered unto, defend and be defended in courts of record, or any other place whatſoever; and alſo to make, have, and uſe a common ſeal, and the ſame to make, break, alter and renew, at their pleaſure, and alſo to ordain, eſtabliſh, and put in execution ſuch bye-laws, ordinances and regulations as ſhall ſeem neceſſary and convenient for the government of the ſaid corporation, not being contrary to the laws of this ſtate, or to the conſtitution thereof; and generally to do and execute all and ſingular acts, matters and things to the ſaid corporation it ſhall or may appertain to do, ſubject nevertheleſs to the rules, regulations, reſtrictions, limitations and proviſions herein preſcribed and declared.

Thirteen directors to be annually choſen by the ſtockholders.

And be it further enacted, That for the well ordering of the affairs of the ſaid corporation, there ſhall be thirteen directors of the ſame, who ſhall be elected in the preſent year, on the firſt Tueſday of September next, and on the ſame day in every year thereafter, by the ſtockholders and proprietors of the capital ſtock of the ſaid corporation, and by a plurality of votes actually given by ſuch ſtockholders in perſon, or by their legal proxies, and thoſe who ſhall be duly choſen at any election, ſhall be capable of ſerving as directors by virtue of ſuch choice until the firſt Tueſday of September next enſuing the time of ſuch election, and until others are duly elected in their places; and the ſaid directors, at their firſt meeting, ſhall chooſe one of their number as preſident. And the ſaid commiſſioners in this act named, or any five of them, ſhall, immediately after recording the liſt aforeſaid, appoint a time when, and a place where, either in the city of Albany or the town of Schenectady, an election ſhall be held for electing directors for ſaid company, and ſhall give at leaſt twelve days notice of ſuch time and place, by publiſhing in one of the newſpapers printed in the city of Albany, and in the newſpaper printed in the town of Schenectady, at which time and place directors ſhall be choſen in manner above deſcribed, at which firſt election the ſaid commiſſioners, or any four of them, ſhall preſide, and a liſt of the directors ſo choſen ſhall be by them the ſaid commiſſioners publiſhed in the newſpapers in manner aforeſaid, and ſhall by the ſaid commiſſioners be requeſted to meet on a certain day, and at a place certain to be therein mentioned, and being ſo met they ſhall chooſe one of their body to be preſident, and the directors and preſident ſo choſen ſhall continue in office until the firſt Tueſday of September next enſuing ſuch election, and until others are duly elected in their places. *Provided always*, That in caſe it ſhould at any time happen, that an election of directors ſhould not be made upon any day when, purſuant to this act, it ought to have been made, the ſaid corporation ſhall for that cauſe not be deemed to

Commiſſioners immediately after the liſt of ſubſcribers is recorded, to appoint a time and place for the firſt election of directors, &c.

If an election for directors ſhall not be held on the day fixed, corporation for that cauſe not to be diſſolved.

be dissolved, but it shall be lawful on any other day to hold and make an election of directors in such manner as shall have been regulated by the laws and ordinances of the said corporation. *And provided also,* That in case of the death, resignation, or absence from the state of a director, his place may be filled up by a new choice for the remainder of the year by election, at a special meeting to be held for that purpose.

Special meetings how to be called.

And be it further enacted, That it shall and may be lawful for the president and directors of the said corporation to convene special meetings of the stockholders whenever such meetings shall appear necessary, giving at least twelve days notice thereof in the newspapers herein before mentioned and directed.

Directors to appoint their officers, agents and workmen.

And be it further enacted, That the directors for the time being of the said corporation shall have power to appoint such officers, agents, clerks, superintendants, artists, workmen and others under them as shall be necessary for executing the business of the said corporation, and allow to them such compensation for their services respectively as the said directors shall deem reasonable and proper, and shall be capable of exercising such other powers and authority for the well governing and ordering the affairs of the said corporation as shall be described, fixed and determined by the laws, regulations and ordinances of the same, not contrary to or inconsistant with the constitution and laws of the United States, or of this state.

Rules, restrictions and provisions for forming the fundamental articles of the corporation.

And be it further enacted, That the following rules, restrictions, limitations and provisions shall form and be the fundamental articles of the said corporation, viz. *First*—the number of votes to which each stockholder shall be intitled shall be according to the number of shares he shall hold, in the proportion following (that is to say) for one share and not more than two shares, one vote; for every two shares above two and not exceeding ten, one vote; for every four shares above ten and not exceeding thirty, one vote; and for every six shares above thirty, one vote; but no person, copartners or body politic shall be intitled to a greater number than twenty votes; and after the first election no share or shares shall confer a right of suffrage which shall not have been held three calender months previous to the day of election: stockholders actually resident in the state of New-York and none others may be directors. *Second*—no director shall be intitled to any emolument unless the same shall have been or shall be allowed by the stockholders at a general meeting: the stockholders shall make such compensation to the president for any extraordinary attendance as shall appear to them reasonable. *Third*---not less than seven directors shall constitute a board for the transaction of business, of whom the president shall always be one, except in case of sickness or necessary absence, in which case his place may be supplied by any other director whom he by writing under his hand shall nominate for the purpose. *Fourth*—any number of stockholders, not less than forty, who together shall be proprietors of four hundred shares or upwards, shall have power at any time to call a general meeting of the stockholders for purposes relative to the institution, giving at least sixty days notice in the papers herein before mentioned as is herein before directed, specifying the object or objects of such meeting. *Fifth*—every treasurer before he enters on the duties of his office shall enter into a bond, with two sureties, conditioned for the just and due execution of

his office. *Sixth*---the lands, tenements and hereditaments which it ſhall be lawful for the ſaid corporation to hold, ſhall be only ſuch as ſhall be requiſite for the immediate purpoſe for which the corporation has been created and made. *Seventh*—no bank ſhall be eſtabliſhed by the ſaid corporation, nor ſhall it enter into any money negociations other than ſuch as ſhall be immediately incident to the purpoſes for which it is inſtituted. *Eighth*—the ſtock of the ſaid corporation ſhall be aſſignable and tranſferable according to ſuch rules as ſhall be inſtituted in that behalf by the laws and ordinances of the ſame. All bills and notes which ſhall be given by the ſaid corporation or their directors, ſigned by the preſident, and counterſigned by the treaſurer or principal clerk, promiſing the payment of money to any perſon or perſons, his, her or their order, or to bearer, tho' not under the ſeal of the ſaid corporation, ſhall be binding and obligatory upon the ſame in like manner, and with the like force and effect as upon any private perſon or perſons if iſſued by him, her or them, in his, her or their private or natural capacity or capacities, and ſhall be aſſignable and negotiable in like manner as if they were ſo iſſued by ſuch private perſon (that is to ſay) thoſe which ſhall be payable to any perſon or perſons, his, her or their order, ſhall be aſſignable by indorſement in like manner and with the like effect as promiſſory notes now are, and thoſe which are payable to bearer may be negotiable and aſſignable by delivery only. *Provided always*, That no ſuch bills or notes ſhall be iſſued which ſhall not ſpecify the particular ſervice or articles for which they were paid: *And provided alſo*, That the articles or ſervices for which they are iſſued were articles uſed or to be uſed for the purpoſes of the inſtitution or ſervices performed therefor. *Tenth*—half yearly dividends ſhall be made by the ſaid corporation of all the net annual income thereof amongſt the ſtockholders, in proportion to their reſpective ſhares, and no transfer of any ſhare ſhall be made in any other manner than ſhall be directed by the preſident and directors of the company.

Corporation by their agents may enter on any land to conſtruct the road.

And be it further enacted, That the ſaid corporation by the preſident and directors, or by any agent, ſuperintendant, artiſt, or other perſon employed in their ſervice, may enter into and upon any land where they ſhall deem it proper to conſtruct the ſaid road, and to lay out and ſurvey ſuch roads and tracts as ſhall be moſt practicable for effecting a good and ſufficient road between the places aforeſaid, doing nevertheleſs as little damage as poſſible to the grounds and incloſures over which the ſaid road ſhall be conſtructed; and the ſaid preſident and directors may contract and agree with the owners of any lands and tenements, for the purchaſe of ſo much thereof as ſhall be neceſſary for the purpoſe of making, digging, and perfecting ſaid road, and for erecting and eſtabliſhing gates, toll-houſes, and all other works and devices to ſuch road belonging, if they can agree with ſuch owners, but in caſe of diſagreement, or in caſe the owner thereof ſhall be *feme covert*, under age, or *non compos mentis*, or out of the county, then it ſhall and may be lawful to and for the ſaid preſident and directors to apply to one of the judges of the court of common pleas in and for the city and county of Albany, who, upon ſuch application, is hereby authoriſed, empowered, and required to frame and iſſue one or more writ or writs as occaſion ſhall require, in the nature of a writ of *ad quod damnum*, to be directed to the ſheriff of the county of Albany, commanding him that by the oath of twelve good and lawful men

But if they diſagree, a judge of the court of common pleas to iſſue a writ ad quod damnum.

of his bailiwick, who shall be indifferent to the parties, he shall enquire whether the person or persons owning any lands or tenements necessary to be used by the said president and directors, or which shall be injured in establishing the said road and turnpike or turnpikes, which person or persons shall be named, and which lands and tenements shall be described in such writ or writs, shall suffer and sustain any and what damages by reason or means of taking any lands, tenements, or other hereditaments necessary for the use of the said road, and the works thereto belonging, and to return the same writ, together with the finding of the said jury, to the next court of common pleas held for the said city and county after such finding; and upon such writ being delivered to the said sheriff, he shall give at least fourteen days notice in writing to all and every the owners and occupants of the premises who shall be within his bailiwick, and shall also affix a copy of such notice on the door of the court-house in said county, of the lands and tenements in said writ described, of the time of executing the same, and shall cause to come upon the premises at the time appointed twelve good and lawful men of his bailiwick, to whom he shall administer an oath, that they will diligently inquire into the matters and things in the said writ specified, and a true verdict give according to the best of their skill and judgment without favor or partiality, and thereupon the said sheriff and inquest shall proceed to view all and singular the lands and tenements in the said writ specified, and shall cause the same to be minutely and exactly described by metes and bounds or other particular descriptions, and shall value or appraise the injury or damages, if any, which the owner or owners of the said lands or improvements will according to their best skill or judgment sustain and suffer by means of so much of the said lands and tenements being vested in the said corporation, and the said sheriff and jury shall make and inquisition under their hands and seals, distinctly and plainly, setting forth the real damages sustained as aforesaid, and at the court of common pleas then next following, the sheriff shall return the same, and if the said writ shall appear to have been duly executed, and the return thereof be sufficiently certain to ascertain the lands, improvements, rights, liberties and privileges intended to be vested in the said corporation, and the several compensations awarded to the owners thereof, then the said court shall enter judgment that the said corporation paying to the several owners as aforesaid the several sums of money in the said inquisition assessed, or bringing the same into the said court over and besides the costs of such writs, and of executing and returning the same, shall be entitled to have and to hold to them and their successors and assigns for ever, all and every the lands, improvements, rights, liberties and privileges in the said inquisition described, as fully and effectually as if the same had been granted to them by the respective owners thereof; and if any of the returns so to be made shall not be sufficiently certain for the purposes aforesaid, the said court shall award a new writ for the purpose aforesaid.

Sheriff to tender an oath to the jury when met.

And they proceed to view of the premises, and determine the damages.

And be it further enacted, That the president and directors of the said corporation shall have power and authority from time to time to fix the several sums of money which shall be paid by the subscribers or stockholders of every share of the stock of the said corporation, in part of the sum subscribed, and the time when each and every of the dividends, or

President and directors authorised to fix the proportions of money from time to time to be paid on each share.

parts thereof, ſhall be paid, and the place where they ſhall be received, either in the town of Schenectady or in the city of Albany; and ſhall give at leaſt ſixty days notice in the newſpapers aforeſaid of the ſum or dividend, and the time and place of receiving the ſame; and if any ſtockholder ſhall neglect to pay ſuch proportions at the place or places aforeſaid, for the ſpace of twenty days after the time ſo appointed for paying the ſame, every ſtockholder ſhall, in addition to the dividend ſo called for, pay after the rate of ſeven per cent for every week's delay of ſuch payment; and if the ſame, and the additional per centage, ſhall not be paid within two months after the ſame ought to have been paid, then, and in ſuch caſe, the ſhare or ſhares on which ſuch payment ſhall be due, ſhall be forfeited to the uſe of the ſtockholders of the corporation, and may and ſhall be ſold by them to any perſon or perſons willing to purchaſe for ſuch prices as can be obtained therefor.

Preſident and Directors by their agents may enter on any lands with waggons, carts, &c.

And be it further enacted, That it ſhall and may be lawful to and for the preſident and directors of the ſaid corporation and their ſuperintendants, artiſts, workmen and labourers, with carts, waggons, and other carriages, with their beaſts of draft and burthen, and all neceſſary tools and implements, to enter upon the lands contiguous or near to the intended road, firſt giving notice of their intentions to the owners thereof, and doing as little damage thereto as poſſible, and repairing any breaches they may make in the incloſures thereof, and making amends for any damages that may be ſuſtained by the owners of ſuch ground and improvements by appraiſement in manner herein after directed, and upon a reaſonable agreement of the owners, if they can agree, or if they cannot agree, then upon an appraiſement to be made upon the oath of three, or if they diſagree, any two indifferent freeholders to be mutually choſen, or if the owners neglect and refuſe to join in the choice, to be appointed by any juſtice of the peace of the county, and on tender of the appraiſed value, to carry away any timber, ſtone, gravel, ſand, or earth, being moſt conveniently ſituate for making or repairing the ſaid road and turnpikes, and to uſe the ſame in carrying on the ſaid works.

Manner of determining the compenſation.

When ſaid road or a part thereof is completed, preſident & directors to appoint collectors to receive the toll.

And be it further enacted, That it ſhall and may be lawful to and for the preſident and directors as ſoon as the ſaid road or any part of it ſhall be perfected, to appoint ſuch and ſo many collectors of toll, for the paſſage of carriages on ſaid road, and on the ſame to erect gates more effectually to ſtop paſſengers in order to take toll from them, and that it ſhall and may be lawful to and for ſuch toll collectors and their deputies, to demand and receive of and from perſons on horſeback, any perſon or perſons having the charge of any carriage or carriages, of whatſoever conſtruction the ſame may be, paſſing through ſaid gates, or uſing ſaid road or any part thereof, ſuch toll and rates for every horſeman or carriage as the ſaid preſident and directors may think proper, at any convenient place or places on ſaid road. *Provided*, The whole amount of toll ſhall not in any one year exceed the rate of fifteen per cent. upon the capital expended by ſaid corporation in making and improving ſuch road.

Penalty for injuring ſaid road or any of the toll-gates thereon.

And be it further enacted, That if any perſon or perſons whatſoever, ſhall wilfully and knowingly do any act or thing whatſoever, whereby the ſaid road, or any gate or other thing thereto belonging, ſhall be injured or damaged, he or they

ſo offending, ſhall forfeit and pay to the ſaid corporation, fourfold the the coſts and damages by them ſuſtained, by means of ſuch known and wilful act, together with the coſts of ſuit in that behalf expended, to be recovered by action of debt in any court having juriſdiction competent to the ſum due.

Collectors may detain all perſons refuſing to pay the toll.

And be it further enacted, That the collectors of toll, duly appointed and authoriſed by the preſident and directors of the ſaid corporation, may ſtop and detain perſons on horſeback, and all carriages uſing ſaid road, until the owner or driver of ſuch carriage or carriages, or horſe or horſes, ſhall pay the toll ſo as aforeſaid fixed, or may diſtrain the ſaid carriage, and the beaſts of draft to the ſame belonging, or any part of the ſame, or horſe to ſuch perſon belonging, ſufficient by the appraiſement of two credible perſons, to ſatisfy the ſame, which diſtreſs ſhall be kept by the collector of the tolls, taking the ſame for the ſpace of ſix hours, and afterwards be ſold at public vendue, at the moſt public place in the neighbourhood, to the higheſt bidder, rendering the ſurplus on demand if any there be, after payment of the ſaid toll, and the coſts of diſtreſs and ſale, to the owner or owners thereof.

Preſident and directors may demand bonds for the faithful performance of duties.

And be it further enacted, That the preſident and directors of the ſaid corporation, may demand and require of and from their treaſurer, and of and from all and every of the ſuperintendants, officers, and other perſons by them employed, bonds in ſufficient penalties, and with ſuch ſureties as they ſhall by their rules, orders and regulations require, for the faithful diſcharge of the ſeveral duties and truſts to them, or any or either of them, reſpectively committed.

Preſident and directors to keep a regular account of all monies by them received and expended.

And be it further enacted, That the preſident and directors of the ſaid corporation, ſhall keep a juſt and fair account of all monies received by them from the ſubſcribers to the ſaid undertaking for their ſubſcription thereto, and all penalties for delay or non-payment thereof, and of all monies by them expended in the payment of the coſts and charges of procuring and purchaſing all eſtates, rights and titles in the ſaid corporation to be veſted in purſuance of this act, or by any other means, and in paying their ſeveral officers by them to be appointed, and the wages of the different artiſts, workmen and labourers by them to be employed, and for the materials and work furniſhed and done in the proſecution of the works projected by the ſaid corporation; and once at leaſt in every year ſubmit ſuch account to the general meeting of the ſtockholders, until the ſaid road ſhall be compleated, and until all coſts, charges and expences of effecting the ſame ſhall be fully paid and diſcharged, and the aggregate amount of ſuch expences ſhall be liquidated; and from and after the liquidation thereof, if the two thouſand ſhares above mentioned ſhall not be ſufficient it ſhall and may be lawful to and for the ſaid preſident and directors of the ſaid corporation at the general meeting of the ſtockholders held in purſuance of the preceding proviſions, or called by the preſident and directors for the ſpecial purpoſe by public notice in two newſpapers in manner aforeſaid (which ſhall be given one month previous to the opening of the ſaid ſubſcription) to encreaſe the number of ſhares to ſuch extent as ſhall be deemed ſufficient to

And if the two thouſand ſhares are inſufficient to pay the ſame, the preſident and directors may encreaſe them.

accompliſh the object of this act, and to demand and receive ſuch additional ſubſcriptions from the former, or in caſe of their neglect or refuſal, from new ſubſcribers, and upon ſuch terms and in ſuch manner as by the ſaid general meeting or meetings ſhall be agreed upon. And the ſaid preſident and directors of the ſaid corporation ſhall alſo keep juſt and true accounts of all and every the monies received by their ſeveral collectors of toll on ſaid road, and ſhall make and declare a dividend of the clear profits and income (all contingent coſts and charges being firſt deducted) among all the ſtockholders of the ſtock of the ſaid corporation, and ſhall on the ſecond Tueſday of April in every year publiſh in manner aforeſaid, the half yearly dividend to be made of the ſaid clear profits to and amongſt the ſtockholders, and of the times and places when and where the ſame ſhall be paid, and ſhall cauſe the ſame to be paid accordingly.

Preſident and directors alſo to keep a true account of all monies received by their toll collectors.

And be it further enacted, That as ſoon as the ſaid company ſhall be incorporated as aforeſaid, the ſaid commiſſioners ſhall upon demand pay to the preſident and directors of the ſame, the ſeveral ſums by them received on taking the ſaid ſubſcription to the ſaid company, and by them retained as aforeſaid for the uſe of the ſaid corporation, after deducting thereout ſuch contingent charges as they ſhall have incurred in the execution of the truſts committed to them by this act.

Commiſſioners to pay all monies by them received on the ſubſcriptions, to the preſident and directors.

Provided always, and be it further enacted, That whenever the turnpike road hereby authoriſed to be erected ſhall interfere or coincide with the old road leading from the city of Albany to the town of Schenectady, that then and in ſuch caſe the corporation hereby intended to be erected ſhall open a road parallel to the old road herein before mentioned, as far as ſuch interference or coincidence or ſuch interferences or coincidences ſhall extend, of the ſame width with the old road ſo occupied, and which ſaid road ſo to be opened, ſhall be made in as good and ſufficient order for travelling with carriages as that part of the ſaid old road which ſhall be taken and appropriated by the ſaid corporation for the ſaid turnpike road, to be free for the uſe of any perſon or perſons without payment of toll or any conſideration whatſoever, which road ſo to be opened and the ſaid old road, ſhall not be deemed or taken to be a public highway after the ſaid turnpike road ſhall be completed and fit for uſe.

Corporation ſhall lay out a new temporary road, parallel to the old one where it interferes.

And be it further enacted, Thas if any perſon who ſhall uſe the turnpike road ſhall evade the payment of toll by going round the gates eſtabliſhed for the collection of toll, or any other way, ſuch perſon ſo evading ſhall forfeit and pay fourfold the ſum he would have been ſubject to pay for toll, to be recovered by any one of the directors or ſtockholders, in his own name, with coſts of ſuit, in any court having cognizance of ſuch ſum, for the uſe of ſaid corporation,

Any perſon evading the payment of toll by going round the gates, ſubject to a penalty.

And be it further enacted, That in caſe the corporation hereby erected ſhall not compleat the ſaid turnpike road within the term of ten years from the firſt day of May next, that then the ſaid corporation ſhall ceaſe and be diſſolved, and all improvements which may have been made by virtue of this act ſhall revert to and become the property of the people of this ſtate.

If the turnpike is not finiſhed in ten years, corporation to be diſſolved.

CHAP. LXXXVIII.

An ACT *for the better Extinguiſhing Fires in the Village of Cats Kill, in the County of Albany.*

Paſſed 1ſt, April, 1797.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall and may be lawful for the freeholders and inhabitants of the town of Cats Kill, having a right to vote at town meetings, and reſiding within the following limits, viz. Beginning at a ſtore of Samuel Haight, at the mouth of Vaſſen Kill, where it enters into the Cats Kill creek, thence following the ſaid Cats Kill as it runs croſſing the Flats until it ſtrikes the channel of the Hudſon river, then following the channel until it ſtrikes the north point of the Flats, then northerly until it ſtrikes the Vaſſen Kill thirty chains above the ſtore of the ſaid Samuel Haight, then down the ſaid kill to the place of beginning, to meet together at ſuch place in the village of Cats Kill as the truſtees hereafter directed to be choſen ſhall appoint, on the firſt Monday in May in every year, and then and there proceed to chooſe by ballot not leſs than three nor more than five truſtees, to be called the truſtees of the fire company in the village of Cats Kill.

Truſtees to nominate a ſufficient number of firemen to work the engines, &c.

And be it further enacted, That the ſaid truſtees to be choſen as aforeſaid, or a major part of them, ſhall have power and authority to nominate and appoint a ſufficient number of firemen (willing to accept) not exceeding fourteen to each fire engine now provided or hereafter to be provided for the uſe of the ſaid village, out of the inhabitants being freeholders or perſons renting tenements to the value of one hundred dollars per annum, to have the care, management, working and uſing the ſaid fire engines, and the other tools and inſtruments now or hereafter to be provided for the extinguiſhing fires within the ſaid village, which perſons ſo to be nominated and appointed ſhall be called the firemen of the village of Cats Kill, who are hereby required to be ready at all fires as well by night as by day, to manage, work and uſe the ſaid fire engines and other tools and implements aforeſaid.

Firemen exempted from ſerving on juries, or as conſtables.

And be it further enacted, That each perſon ſo to be nominated and appointed a fireman ſhall during his continuance in office be exempted and privileged from ſerving in the office of conſtable, and from being impannelled upon any jury or inqueſt (except in the juſtices courts within the ſaid village) and for this purpoſe the name of each fireman to be appointed by virtue of this act ſhall be entered with the clerk of the town of Cats Kill, and his certificate ſhall be ſufficient evidence in all courts and elſewhere of ſuch exemption and privilege; and further that the ſaid truſtees, or a major part of them, ſhall have power from time to time to remove any firemen ſo to be appointed and others to appoint in the ſtead of thoſe removed when and as often as they ſhall think proper, and further that it ſhall be lawful for the ſaid truſtees or a major part of them, to make, eſtabliſh and ordain ſuch rules and regulations for the government, duty and behaviour of the perſons ſo to be appointed firemen as aforeſaid, in the working and frequent uſing and trying the ſaid fire engines, tools and inſtruments, and to impoſe ſuch reaſonable fines and penalties, not exceeding three dollars for any one

Truſtees may remove any of the firemen and appoint others in their places, &c.

offence upon ſuch firemen or any of them for default in not performing the duties hereby to be enjoined or required from them, as they from time to time may think proper.

Truſtees & conſtables on the breaking out of a fire to repair to the ſame.

And be it further enacted, That upon the breaking out of any fire within the ſaid village, that the truſtees aforeſaid and the conſtables of the ſaid town of Cats Kill, together with the juſtices of the peace then being preſent in ſaid village, on notice thereof, ſhall immediately repair to the place where ſuch fire ſhall happen, with ſtaves and ſuch other badges of authority as ſhall be ordained by a majority of them to be worn, and be aiding and aſſiſting as well in extinguiſhing the ſaid fires as in preventing any goods from being ſtolen, and alſo in removing and ſecuring the ſame, and in the execution of the duties required of them by this act, and it ſhall be the duty of ſuch juſtices of the peace, if any ſhall be preſent, and they are hereby authoriſed to command the aſſiſtance of all and every of the able bodied inhabitants of ſaid village, whoſe duty it ſhall be to obey and execute all orders and directions of the truſtees and magiſtrates aforeſaid in extinguiſhing ſaid fires, removing and ſecuring of the goods, providing water for the engines, and aſſiſting the firemen in working the ſame.

Truſtees to direct the owners of houſes to furniſh themſelves with fire buckets.

And be it further enacted, That it ſhall be lawful for the truſtees aforeſaid, or a major part of them, to direct and require the inhabitants or owners of dwelling houſes and other buildings in ſaid village to provide themſelves with ſuch and ſo many fire buckets, to be ready in ſuch houſes and buildings for the purpoſe of extinguiſhing fires, and to impoſe ſuch reaſonable fines and penalties for diſobedience thereof as they ſhall think proper, not exceeding five dollars for each bucket which ſhall be neglected to be furniſhed as aforeſaid.

Fines under this act how to be recovered and applied.

And be it further enacted, That all fines incurred and adjudged to be levied by the truſtees aforeſaid, ſhall be recovered by any one of the truſtees aforeſaid in his own name, before any juſtice of the peace in the ſame county, with coſts of ſuit, to be reported to ſaid board of truſtees, and appropriated by a majority of the ſame for the purpoſe of procuring and keeping the fire engines and other inſtruments neceſſary for the extinguiſhing fires in the ſaid village of Cats Kill.

CHAP. LXXXIX.

An ACT *for the Relief of William Moulton.*

Paſſed the 1ſt of April, 1797.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall and may be lawful for the commiſſioners of the land office and they are hereby required to grant letters patent to William Moulton, for the like quantity of unappropriated lands in the tract ſet apart for the uſe of the line of this ſtate ſerving in the army of the United States, and in the ſame manner as has been granted to officers of the rank of lieutenant ſerving in the line of this ſtate.

CHAP. XC.

An ACT *concerning the Salt Springs in the County of Onondaga.*

Passed the 1st of April, 1797.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That it shall be lawful for the surveyor general of this state, and he is hereby directed and required as soon as may be after the passing of this act, to cause such part of the lands and marsh adjoining to the salt lake in the county of Onondaga as are comprehended in the following description, to wit, of lots number eleven, twelve, thirteen, fourteen, fifteen, twenty-eight, twenty-nine and thirty, being part of the lots reserved by law for the use of the salt springs, and also the lands adjoining the said lake on the north side of lots number eleven and fourteen, and extending from the points where the north lines of the said lots number eleven and fourteen touch the lake down the lake forty chains on a straight line and extending back to a distance not exceeding ten chains, to be laid out into lots not exceding ten acres, in such manner as may be most convenient and beneficial for the manufactories already or hereafter to be erected on the lots and tracts above described: *Provided,* That no lot shall contain more than five acres of the marsh, except such part of the tract within the description aforesaid, as he may deem best suited for the site of such storehouse as is herein after directed to be erected; and to cause a map thereof to be made, on which the lots shall be numbered, and to file one copy thereof in the office of the secretary of the state, and another copy in the office of the clerk of the county of Onondaga, keeping the original in his own office.

Surveyor general to survey and lay out a part of the land and marsh reserved for the use of the salt springs, into lots of ten acres each.

And be it further enacted, That it shall be the duty of the surveyor general to attend the making of such survey in person, and that he shall as soon as may be after the survey is commenced, give notice of this act to the occupier of each of the salt works already erected, and as soon as the survey is completed it shall be lawful for the surveyor general for and in behalf of the people of this state to make and execute a lease of each of the said lots upon which there are now salt works erected, for the term of three years, upon the following terms and conditions, that is to say: that for every kettle or pan now used or to be used in the manufacturing of salt on the said premises, the lessee shall cause at least ten bushels of salt to be made on the premises so leased to him every year during the said term, and pay as a rent for the same premises four cents for every bushel of salt made thereon during the said term; and if the spring or springs on any of the said lots shall yield more water from which salt can be extracted than is sufficient for the manufactory established or to be established on such lot, it shall and may be lawful for the lessees of any of the adjoining lot or lots to lead the surplus water to his or their manufactory, and if such surplus shoud exceed the quantity required for the manufactories on such adjoining lot or lots the second surplus may be led to the next adjoining lots, and so successively from one lot to the other until such surplus shall be exhausted; and if any controversy shall arise in the premises, the superintendant shall interpose and determine the same between the parties in contest, and his determination shall be final and conclusive. And that such lessee, his executors, administrators or assigns shall not at any time directly or indirectly ask, de-

Surveyor general to attend such survey in person and to execute a lease for 3 years

mand or take more than ſixty cents a buſhel for any ſalt to be made on the ſaid premiſes, and that no ſalt ſhall be ſold on the leaſed premiſes, but all the ſalt made on the ſaid premiſes ſhall by the maker or proprietor thereof be put into barrels or caſks, upon each of which his name and the quantity of ſalt contained therein ſhall be branded, and then the ſame ſhall be delivered to the ſuperintendant of the ſalt works at the ſtore or ſtores mentioned for that purpoſe in this act, to be by him ſtored therein until the ſame ſhall be ſold; and that ſuch leſſee, his executors, adminiſtrators or aſſigns, ſhall not cut any timber or wood on any land belonging to the people of this ſtate for the uſe of the ſalt works, or for any other purpoſe, except ſuch as the ſaid ſuperintendant ſhall from time to time permit and allow, and that a clauſe be inſerted in every ſuch leaſe that in caſe of the breach or non-performance of any of the ſaid conditions or articles ſuch leaſe ſhall become void.

If any preſent occupier of a lot ſhall not accept a leaſe, ſurveyor general may then leaſe the lot to the higheſt bidder.

And be it further enacted, That if the occupier of any ſalt works already erected on any ſuch lot ſhall not within eight days after ſuch map ſhall be filed in the office of the clerk of the county of Onondaga as aforeſaid, accept and take ſuch leaſe thereof as aforeſaid, then it ſhall be lawful for the ſurveyor general, and he is hereby directed to leaſe every ſuch lot upon the terms and conditions aforeſaid, to the higheſt bidder at a public vendue to be held as herein after mentioned, that is to the perſon who will give the higheſt yearly rent for the ſame over and above the ſaid four cents for every buſhel of ſalt made thereon. And the ſurveyor general ſhall as ſoon as may be after the expiration of the ſaid eight days cauſe a notice to be affixed up at ſome public place at or near the ſaid ſalt ſprings, that at a certain day to be mentioned therein, not leſs than ten weeks after the date thereof, the ſaid lots, if any, together with ten of the other lots upon which there are no ſalt works erected, will be leaſed according to the directions of this act, to the higheſt bidder, at a public vendue, at the city hall of the city of Albany; and ſhall cauſe a copy of the ſame notice to be publiſhed in the newſpaper printed at Whiteſtown, and in one of the newſpapers printed in the city of Albany, and in the newſpaper printed by the printer to this ſtate in the city of New-York, and at the day mentioned in the ſaid notice he ſhall ſet up each of the ſaid lots at public vendue, and leaſe the ſame to the higheſt bidder, and make and execute leaſes for the ſame upon the terms and conditions aforeſaid, with a clauſe for ſecuring the payment of the additional rent yearly to the ſuperintendant of the ſalt works for the time being, for the uſe of the people of this ſtate, but omitting in the leaſes of the lots upon which no ſalt works are erected, the proviſion in the clauſe requiring the leſſee to make a certain quantity of ſalt every year, and inſerting inſtead thereof a clauſe that ſuch leſſee, his executors, adminiſtrators or aſſigns ſhall within one year after the date of his leaſe, erect proper works on the premiſes ſo leaſed to him for making ſalt, and ſhall thereafter cauſe at leaſt five hundred buſhels of ſalt to be made at ſuch works every year.

And when ſaid limited time is expired ſurveyor general to advertiſe that he will on a certain day leaſe &c.

Superintendant may apportion any ſurplus marſh there may be amongſt the leſſees for the purpoſe of cutting graſs.

And be it further enacted, That out of the ſurplus of marſh, if any there be, the ſuperintendant ſhall aſſign to each of the leſſees ſuch a proportion as he in his diſcretion ſhall deem meet and proper, to be by ſuch leſſees improved for the purpoſe of cutting graſs or ſedge thereon, and for

no other purpose whatsoever. *Provided always*, That each lessee may cut a canal through any part of the marsh leading to his manufactory.

Any occupant refusing to take a lease of his lot may remove the kettles, furniture, &c. belonging to his salt works.

And be it further enacted, That if any occupant of any manufactory already erected on any of the lots to be laid out agreeably to this act, shall refuse or neglect to take a lease for such lot on the terms and conditions contained in this act, it shall then be lawful for such occupant to take out and remove the kettles, furniture and implements incident to the manufactory of salt, and the superintendant and surveyor general shall in every such case estimate and appraise the value of the buildings in which such manufactory has been prosecuted, and having determined the same, shall certify the amount of the appraised value in favor of each of such occupants to the comptroller of this state, who shall thereupon direct payment out of any monies in the treasury unappropriated.

Governor and council of appointment to appoint a superintendant of the salt springs.

And be it further enacted, That a superintendant of the salt works shall be appointed by the person administering the government of this state for the time being, by and with the advice and consent of the council of appointment, who shall hold his office during the pleasure of the said council, and who shall reside at or near the said salt springs, and who shall have no interest therein, and whose duty it shall be to receive and store the salt made at the said salt works, and brand his name and the year when made on each cask, and to deliver the same to the respective owners thereof as they sell the same, upon their paying to him the said rent and one cent upon each bushel for storage, always taking care to keep in store a due quantity of the salt made at each of the said works, so that there may be at least two thousand bushels in store from and after the first day of October next until the expiration of one year from the date of such lease as aforesaid, and that annually thereafter there shall be an annual increase of five hundred bushels, to be kept at all times in the said store, for the supply of the citizens of this state who depend upon getting their salt from the said works, which quantity shall be composed of the salt made at the several manufactories in proportion to the number of kettles or pans employed in each separate manufactory. And if at any time in any year there shall not be daily made at the said salt works a sufficient quantity of salt for the supply of the citizens of this state who depend upon getting there salt at the said works, then and in every such case it shall be lawful for the said superintendant, and he is hereby required to sell to every such citizen such quantity of the salt so reserved as may be necessary for his own use at the price aforesaid, and shall pay to the owner or owners of the salt so sold fifty-five cents for every bushel so sold, being at the rate of sixty cents a bushel, including the said rent and storage. *Provided always*, That if any lessee shall have a proper store of his own near the salt works he shall occupy, and shall fit and appropriate the same, or some convenient part thereof for the reception and storing of the salt made by him, and shall deliver the keys thereof to the said superintendant so that he may have the care and custody thereof in the same manner as of the said public store, then and in every such case the said superintendant shall store and keep the salt made at such salt works, in such store of the owner of such salt works, in the same manner as in the public store, and in such case such owner shall not be chargeable with any storage. And

Superintendant to take care to keep always in the store at least 1000 bushels of salt.

And if it shall happen in any year, that there shall not daily be made a sufficient quantity to supply the citizens, then, &c.

the ſaid ſuperintendant ſhall alſo from time to time direct when and what wood or timber may be cut or taken on any land belonging to this ſtate for the uſe of the ſaid ſalt works, and ſhall be allowed for his ſervices a ſalary of eight hundred dollars a year, and ſhall account with the comptroller of this ſtate yearly for the ſaid rent and ſtorage, and pay the balance into the treaſury for the uſe of the people of this ſtate. And the ſaid ſuperintendant ſhall annually report to the legiſlature a ſtate of the works and the buſineſs connected therewith. *Provided always*, That if any perſon intereſted in any of the ſaid ſalt works ſhall act as ſuperintendant as aforeſaid, he ſhall loſe his office, and forfeit to the people of this ſtate five hundred dollars, to be recovered by action of debt or information in the ſupreme court of this ſtate with coſts.

Superintendant to cauſe a ſtore and wharf to be built near the ſalt works.

And be it further enacted, That the ſaid ſuperintendant ſhall as ſoon as may be, cauſe a proper ſtore to be built for the purpoſe aforeſaid, at the expence of this ſtate, at ſuch place at or near the ſaid ſalt ſprings as the ſurveyor general ſhall direct, and alſo a wharf for the accommodation of the ſaid ſtore, if in the opinion of the ſurveyor general the ſame ſhall be requiſite; and the treaſurer of this ſtate ſhall advance to him not exceeding two thouſand dollars for the purpoſe of building the ſaid ſtore and wharf, and he ſhall account for the ſame with the comptroller.

At the expiration of the leaſes, the legiſlature, paying for the works, may take them or grant new leaſes.

And be it further enacted, That at the expiration of the ſaid leaſes, it ſhall be optional with the legiſlature either to take all or any or either of the ſaid works, paying to the then owners the then true value thereof, to be aſcertained by proper perſons to be appointed by the legiſlature for the purpoſe, or to grant a new leaſe to the owner upon the terms and conditions aforeſaid, for the further term of ſeven years.

If any perſon ſhall hereafter occupy any part of the ſaid marſh without obtaining a leaſe, attorney general to proſecute him.

And be it further enacted, That if any perſon ſhall at any time after the firſt day of July next, enter upon or occupy any part of the ſaid ſalt marſh, or the land adjoining the ſame and reſerved to the uſe thereof without having obtained a leaſe for the ſame, it ſhall be the duty of the ſuperintendant to give information thereof to the attorney general of this ſtate, who ſhall thereupon cauſe proper ſuits to be commenced and proſecuted againſt every ſuch perſon.

Treaſurer to advance ſurveyor general 350 dollars for performing the ſurveys.

And be it further enacted, That the treaſurer ſhall advance to the ſurveyor general a ſum not exceeding three hundred dollars to enable him to perform the duties required of him by this act, and he ſhall account for the ſame with the comptroller.

CHAP. XCI.

An ACT *for raiſing Money to pay for Completing and Repairing the Bridge over the Roſendal Kill in the County of Ulſter.*

Paſſed the 3d day of April, 1797.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the ſuperviſors of the ſeveral towns in the county of Ulſter, or a majority of them, at their next annual meeting, ſhall and they are hereby authoriſed to direct to be raiſed and levied on the freeholders and inhabitants of the ſaid county, a ſum not exceeding two

hundred and fifty dollars for the completing and repairing the bridge over the Roſendal Kill in the ſaid county, with the additional ſum of five cents on the dollar for collecting the ſame, which ſhall be raiſed levied and collected in the ſame manner as the other neceſſary and contingent charges of the ſaid county are levied and collected.

And be it further enacted, That the monies ſo to be raiſed by virtue of this act, ſhall be paid by the ſeveral collectors of the ſeveral towns to the treaſurer of the ſaid county, and the ſaid treaſurer is hereby required and directed to pay the ſame to the perſons appointed to ſuperintend the building and repairing the ſaid bridge, or to the ſurvivors of them, or their order, for the purpoſe of diſcharging the accounts due for repairing the ſaid bridge.

And be it further enacted, That it ſhall and may be lawful for the treaſurer of the ſaid county to retain in his hands the ſum of three cents on the dollar for his trouble in receiving and paying out the monies directed to be raiſed by this act.

And be it further enacted, That the ſaid ſuperintendants ſhall account with the ſupervifors of the county of Ulſter for the monies by them received and expended for the purpoſes aforeſaid, when thereunto required.

CHAP. XCII.

An ACT *to authoriſe the raiſing a further Sum of Money to complete the Goal in the County of Renſſelaer.*

Paſſed the 3d day of April, 1797.

WHEREAS the ſupervifors of the county of Renſſelaer have repreſented to this legiſlature, that the ſum heretofore allowed by law to be raiſed for building a goal in the ſaid county is altogether inſufficient for the ſaid purpoſe, and have prayed for a law to be made to enable them to raiſe ſuch further ſum as ſhall be ſufficient for completing ſaid goal: Therefore,

Supervifors directed to raiſe 5500 dollars by a tax on the inhabitants.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the ſupervifors of the ſeveral towns in the ſaid county of Renſſelaer for the time being, be and they are hereby authorized and required to direct to be raiſed and levied on the freeholders and inhabitants of the ſaid county a further ſum of five thouſand five hundred dollars, together with an additional ſum of five cents on the dollar for collecting the ſame, and one cent on each dollar for treaſurers fees, to be raiſed, levied and collected in the ſame manner as the other neceſſary and contingent charges of the county are raiſed, levied and collected, which ſaid ſum ſhall be raiſed, levied and collected in manner aforeſaid in two equal parts, one of which parts ſhall be raiſed, levied and collected and paid over to the treaſurer of the ſaid county on or before the firſt day of October next, and the other part thereof before the firſt day of October in the year one thouſand ſeven hundred and ninety eight. And the treaſurer of ſaid county ſhall pay over ſuch money as ſoon as the ſame ſhall come into his hands to the order of the commiſſioners by law appointed for building ſaid gaol or the major part of them.

County treaſurer's allowance.

And be it further enacted, That it ſhall be lawful for the ſaid treaſurer to retain in his hand the ſum of one cent

on each dollar he ſhall ſo receive, as a compenſation to him for his trouble of receiving and paying over ſaid monies.

Sheriff when ſaid gaol is completed to remove his priſoners from the Albany gaol.

And be it further enacted, That ſo ſoon as the ſheriff of the county of Renſſelaer ſhall deem the ſaid gaol to be ſufficiently finiſhed to ſafely keep priſoners within the ſame, it ſhall and may be lawful for the ſaid ſheriff to remove the priſoners who properly belong to the gaol of Renſſelaer county from the gaol of Albany county into the gaol of Renſſelaer county, and ſuch removal ſhall in no manner be conſtrued an eſcape either in the ſheriff of Albany or Renſſelaer.

CHAP. XCIII.

An ACT *to authorize the raiſing of Monies by Tax in the City and County of New-York, for defraying the public Expenſes.*

Paſſed the 3d day of April, 1797.

BE *it enacted by the People of the State of New-York, repreſented in the Senate and Aſſembly*, That the mayor, recorder and aldermen of the city of New-York, as the ſupervisors of the city and county of New-York, or the major part of them, of whom the mayor or recorder ſhall be one, be and they are hereby authorized and empowered as ſoon as conveniently may be after the firſt day of May next, to order the raiſing a ſum not exceeding eighty one thouſand dollars, by a tax on the eſtates real and perſonal of the freeholders and inhabitants within the ſaid city and county of New-York, to be applied to the ſupport and maintenance of the poor of the ſaid city and county, the compleating of the new alms houſe, the making a common ſewer from the alms houſe, gaol and bridewell to the river, the making repairs and improvements to the gaol and bridewell, the ſubſiſting criminal priſoners in gaol, the repairing of the public roads and regulating and improving the ſtreets, and the defraying the other contingent expences ariſing within and properly chargeable to the ſaid city and county.

Corporation of New-York to raiſe by tax 81,000 dollars for the maintenance of the poor, &c.

And be it further enacted, That the ſaid mayor, recorder and aldermen of the city of New-York, or the major part of them, of whom the ſaid mayor or recorder ſhall be one, be and they are hereby authorized and empowered as ſoon as conveniently may be after the firſt day of May next, to order the raiſing a further ſum not exceeding thirty one thouſand five hundred dollars, by tax on the eſtates real and perſonal of the freeholders and inhabitants within the ſaid city, on the ſouth ſide of a line beginning at the outlet of the meadow of Anthony Liſpenard into Hudſon's river, thence to and along the north ſide of the dwelling houſe of Nicholas Bayard, thence along the middle of William ſtreet to and acroſs the Bowery lane to Bullock ſtreet, thence along the middle of Bullock ſtreet to the eaſt river, to be applied to the payment of ſo many watchmen as the mayor, aldermen and commonalty of the city of New-York in common council convened, ſhall from time to time determine to be neceſſary for guarding the ſaid city, purchaſing of oil, providing lamps and repairing and attending the lamps which now are and from time to time hereafter may be erected within the ſaid city, the making and repairing the public wells and pumps in the ſaid city, and the defraying

And a further ſum of 31,500 for the payment of the watchmen, &c.

the other public contingent expences of the said city arising within the limits aforesaid and properly chargeable thereto, as the said mayor, aldermen and commonalty of the city of New-York, in common council convened, shall from time to time direct, which said several sums of money shall be rated and assessed according to the estate of each respective person so to be taxed, and be collected in one payment, and paid into the hands of the treasurer or chamberlain of the said city, at such time after the said first day of may next as the said mayor, recorder and aldermen, or the major part of them, of whom the said mayor or recorder shall be one, shall direct and appoint, any thing in the second section of the act entitled "An act for the more effectual collection of taxes in the city and county of New-York," contained, to the contrary notwithstanding.

Said sums of money how to be rated and assessed.

And be it further enacted, That it shall be lawful for the collectors of the first fourth, fifth and sixth wards of the said city, to retain in their hands five cents in each dollar, and for the collectors of the seventh ward of the said city to retain in their hands six cents in each dollar, and the collectors in the several other wards of the said city four cents in each dollar, and no more, for their trouble in collecting and paying to the treasurer or chamberlain of the said city, such sums of money as shall be raised by virtue of this act; and that it shall be lawful for the said treasurer or chamberlain to retain in his hand three fourths of a cent in each dollar and no more, for his trouble in receiving and paying the said monies.

Allowance to collectors and chamberlain for collecting receiving and paying said monies.

CHAP. XCIV.

An ACT *making Alterations in the Inspection Laws of this State.*

Passed the 3d of April, 1797.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the passing of this act, all beef and pork shall at the time the same is repacked, at whatever season of the year the same may happen, be pickled with strong good pickle, made of fresh water, and of salt not finer than Lisbon salt, and that each barrel to prevent the pickle from leaking shall be well trimmed and nailed with at least three nails on each chime hoop, and with at least three pegs on each quarter, any thing in the act passed the 7th day of March, 1788, to the contrary notwithstanding.

Beef and pork when repacked to be pickled with a strong pickle, and the barrels to be well nailed.

And be it further enacted, That from and after the first day of October next no shingles shall be exported from either of the counties of Albany, Saratoga or Rensselaer, until they shall have undergone inspection and been admitted and marked in the manner herein after mentioned, by one of the inspectors already appointed, or to be appointed, by virtue of the act passed the first day of March, 1788.

No shingles to be exported from certain counties until they have been inspected.

And be it further enacted, That all merchantable shingles shall be of the following dimensions: The first size shall be eighteen or twenty two inches in length, four inches in breadth and three eights of an inch in thickness; the second size shall be twenty four or twenty seven inches in length, five inches in breadth and half an inch in thickness, and the third size shall be thirty six inches

Merchantable shingles to be of certain dimensions.

in length, five and an half inches in breadth and five eighths of an inch in thickneſs, to be made of good ſound rifted timber, to be packed in good bundles, each length in ſeparate bundles, in good frames ſecurely wedged, and containing not leſs than five hundred ſhingles in each bundle; and if any inſpector upon inſpection ſhall find that they are conformable to the dimenſions of either ſize he ſhall brand his name at full length on the frame piece of each bundle, with the number and quality of the ſhingles contained therein, and none other.

And the inſpector who inſpects them to brand certain marks on the bundles.

And be it further enacted, That if any perſon ſhall export by water to any place ſouth of the ſouth bounds of the county of Albany, any ſhingles from either of the counties aforeſaid, without being previouſly inſpected or branded as aforeſaid, he ſhall forfeit for every bundle the ſum of one dollar, to be recovered with coſts of ſuit by any perſon who ſhall ſue for the ſame, in any court having cognizance of the ſame, one half to the perſon ſo ſuing, and the other half to the uſe of the poor of the town in which ſuch recovery ſhall be had.

Penalty for exporting any ſhingles by water to the ſouthward of Albany county.

And be it further enacted, That each inſpector of ſhingles ſhall be allowed at the rate of twenty cents for every bundle he ſhall inſpect, one half to be paid by the buyer, and the other half by the ſeller.

Allowance to inſpectors.

And be it further enacted, That the inſpectors of pot and pearl aſhes ſhall hereafter be allowed the ſum of two cents, for every hundred weight they ſhall inſpect in addition to the ſum allowed them in and by an act paſſed the 23d of April, 1784, entitled "An act to aſcertain the quality of pot and pearl aſhes."

Allowance to inſpectors of pot aſhes increaſed.

CHAP. XCV.

An ACT *for raiſing Monies in the City of Hudſon for the ſupport of a Night Watch.*

Paſſed the 3d April, 1797.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the mayor, recorder, aldermen and commonalty of the city of Hudſon, in common council convened, are hereby fully authoriſed and empowered to order the raiſing annually a ſum not exceeding in any one year ſix hundred and twenty-five dollars, by a tax on the real and perſonal eſtates of the freeholders and inhabitants in the ſaid city of Hudſon, within the limits following (viz.) Beginning at the river Hudſon, on the north line of the farm of Thomas Jenkins which he bought of Jacob I. Van Hoeſen, running eaſterly along the ſaid north line to and acroſs the main road, thence ſoutherly along the eaſterly ſide of the ſaid road to and acroſs the road leading from the city of Hudſon to the town of Claverack, thence weſterly along the ſoutherly ſide of the ſaid laſt mentioned road to the houſe of Ezekiel Gilbert, lately occupied by John Mandeville, from thence on a direct line to the mouth of Caſawa Kill, thence northweſt to the moſt weſterly bounds of the ſaid city, thence northerly and eaſterly to the place of beginning—for defraying the expence attending the eſtabliſhing a night watch in the ſaid city, which

Corporation of Hudſon to raiſe annually by tax 625 dollars for the ſupport of a night watch.

money ſhall be raiſed and aſſeſſed according to the eſtate of each reſpective perſon ſo to be taxed, in the ſame manner as the other contingent expences of the ſaid city are now by law directed to be aſſeſſed and to be collected, and paid into the hands of the chamberlain of the ſaid city at ſuch times as the ſaid mayor, recorder, aldermen and commonalty ſhall from year to year direct and appoint.

And be it further enacted, That this act ſhall be and continue in force for five years.

CHAP XCVI.

An ACT *for the Relief of James Blake.*

Paſſed 3d April, 1797.

WHEREAS it is repreſented to the legiſlature that James Blake, late a ſoldier in the regiment commanded by colonel Moſes Hazen, in the army of the United States, was through miſtake omitted to be returned at the time the ſaid regiment was diſbanded, and thereby has not been able to obtain the lands which by the laws of this ſtate he became entitled to in conſequence of his ſervices: Therefore,

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the commiſſioners of the land office be and they are hereby directed to enquire into the claim of the ſaid James Blake, and if they find that he is entitled to lands by any law of this ſtate, then to grant to the ſaid James Blake out of the unappropriated lands of this ſtate, the proportion of land he would have been entitled to by any former law if his name had been regularly returned.

CHAP. XCVII.

An ACT *making proviſion to keep in Repair the Bridge over the Mohawk River below the Cohoes Falls.*

Paſſed 3d April, 1797.

WHEREAS it being requiſite that adequate proviſion ſhould be made for keeping the bridge over the Mohawk river below the Cohoes falls in good repair: Therefore,

A certain rate of toll eſtabliſhed for paſſing the bridge below the Cohoes Falls.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That from and after the firſt day of June next the following toll ſhall be collected from every perſon croſſing the ſaid bridge, viz: For every carriage croſſing the ſaid bridge and drawn by a ſingle horſe, ſix cents; for every wheel carriage or ſled croſſing the ſaid bridge and drawn by two horſes, mules or other working cattle the ſum of eight cents; for every carriage or ſled drawn by more than two horſes, two mules or two other working cattle, at and after the rate of two cents for each additional creature; for a man and horſe or mule the ſum of four cents; for every ſingle horſe, mare, colt, or mule the ſum of one cent; for every bull, ox, cow, heifer or calf, the ſum of two cents, and for ſheep and hogs at and after the rate of ten cents per ſcore.

Supervifors of Water Vleit and Half Moon to cauſe ſaid toll to be collected and applied to erecting a toll-houſe, &c.

And be it further enacted, That it ſhall and may be lawful for the ſupervifor of the town of Water Vleit in the county of Albany for the time being, and the ſupervifor of the town of Half Moon, in the county of Saratoga, for

the time being, and they and their ſucceſſors in office ſhall be and hereby are authorized and required to cauſe the ſaid toll to be collected and the proceeds thereof to be applied as follows, that is to ſay, after deducting the neceſſary charges of collecting and of erecting a toll houſe and gates for the purpoſe, to the making ſuch repairs to the ſaid bridge from time to time as they in their diſcretion ſhall think neceſſary, the ſurplus of the proceeds of the ſaid toll, if any, after deducting the expence and charge of collecting the ſame, and repairing the ſaid bridge, toll houſe and gates, ſhall from time to time be applied by the ſaid ſuperviſors to the clearing away and removing the rock at the northeaſt end of the ſaid bridge, and in repairing and amending the highways in the ſaid counties of Albany and Saratoga, leading to and from the ſaid bridge.

A toll houſe to be erected for the reſidence of the collector of the toll.

And be it further enacted, That it ſhall be lawful for the ſaid ſuperviſors for the time being, to cauſe a toll houſe to be built for the reſidence of the collectors of the ſaid toll, on any convenient part of the land appropriated to the highway leading to or from the ſaid bridge, and to erect ſuch gate or gates as they may think proper and neceſſary for the better collecting the ſaid toll; and from time to time to appoint a collector of the ſaid toll upon ſuch terms and conditions as they may think proper, and to demand and take from any ſuch collector ſuch ſecurity as they ſhall deem neceſſary and proper, and any or every ſuch collector to diſplace and remove at their pleaſure.

Supervifors annually to account with comptroller.

And be it further enacted, That the ſupervifor of the town of Water Vleit and the ſupervifor of the town of Half Moon ſhall annually render an account to the comptroller of this ſtate for the monies by them received and expended in carrying this act into effect.

CHAP. XCVIII.

An ACT *to enable certain Perſons therein named, to purchaſe and hold Real Eſtates within this State.*

Paſſed the 3d day of April, 1797.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall and may be lawful for Samuel Lilly, William Lilly, Charles Cruzeau, Archibald Mitchell, John Neilſon, Thomas Neilſon, Alexander Neilſon, John Mitchell, William Mitchell, John Cunningham, Jamichah Hillyer, D'arcy Boulton, William Saunders, James Glats, Luke Davis, Hector Gilchriſt, George Grant, Donald M'Donald, Henry Baker, James Harper, Samuel Goodwin, James Oliver, William Yates, Ebenezer Goodwin, Thomas Oliver, Joſhua Wood, Peter Wood, John Wood, Joaquim Montiero, George Ramſay, Thomas Jarvis, Charles M'Neil, George Roſier, John Sigiſmund Roulet, Jaſper Parſons and Tabitha Parſons his wife, Simon Laurenties and Chriſtiana Charlotte Laurenties his wife, William Murray, Thomas Moore, Aylmer Johnſon, James Daniel, George Parker, John Richmond, Thomas Vaſſar, James Vaſſar, James Vaſſar, jun. James Lambert, Gilbert Mc. Chugry, William Byron, Kemeys Shaw, Joſiah Rhoads, William Kemeys and Elizabeth Kemeys his wife, William Mc. Auley, John Mc. Auley, Matthew Mc. Auley, James Stone, David Clark, John Thompſon, John Harkneſs, Thomas Harkneſs, William Harper, Henry Harper,

Samuel Harper, John Harper, John Sloan, William Adams, William Jones, James Bell, John Johnſton, George Gilchriſt and Henry De Lord, ſeverally to take and hold lands, tenements and hereditaments within this ſtate, and reſpectively to have and hold the ſame to them and to their reſpective heirs and aſſigns, forever, as fully to all intents and purpoſes, as any natural born citizens may or can do, any law, uſage or cuſtom to the contrary notwithſtanding.

And be it further enacted, That no lands, tenements, or hereditaments, heretofore purchaſed by any of the perſons herein before named, ſhall eſcheat or become forfeited to the people of this ſtate, by reaſon or on account of ſuch perſons then being aliens, but all ſuch lands, tenements, and hereditaments, ſhall be underſtood as having veſted in ſuch purchaſer or purchaſers, any law to the contrary hereof notwithſtanding. *Provided always*, That no alienation of any lands purchaſed or to be purchaſed or held by virtue of this act, ſhall be good and effectual in the law, other than to a citizen or citizens of the United States.

CHAP. XCIX.

An ACT *to amend an Act, entitled "an Act for the more effectual prevention of Fires, and to regulate Buildings in the City of New-York, and to repeal and explain certain Acts therein mentioned."*

Paſſed the 3d April, 1797.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That all dwelling-houſes, ſtores, and other buildings, which after the firſt day of July next ſhall be built or erected within the city of New-York, within that part of the ſaid city, to the northward of the point of the battery, and included between the ſaid point of the battery and a line beginning upon the Eaſt River, in a direct line from the corner of Montgomery and Cherry-ſtreets, and running to the ſaid corner of Montgomery and Cherry-ſtreets, thence down Cherry-ſtreet to Pearl-ſtreet, thence down Pearl-ſtreet to Beekman-ſtreet, thence through Beekman-ſtreet to Chatham-row, thence down Chatham-row and acroſs Broadway to Partition-ſtreet; thence through Partition-ſtreet acroſs Greenwich and Waſhington-ſtreets to Hudſon's River, including alſo the lots of ground on the northwardly and eaſtwardly ſides of the ſaid ſtreets, through which the above mentioned line runs, ſhall be made or conſtructed of ſtone or brick, with party or fire walls, riſing twelve inches above the roof, and ſhall be covered, except the flat roof thereof, with tile or ſlate, or other ſafe materials againſt fire, and not with boards or ſhingles, and that the flat of any roof may be covered with boards or ſhingles, provided ſuch flat do not exceed two-fifth parts of the ſpace of ſuch roof, and that there be erected around the ſame flat a ſubſtantial balcony or baluſtrade. *Provided nevertheleſs*, That all roofs, ſteeples, cupulos and ſpires of churches, and other public buildings, may be covered with boards and ſhingles, any thing in this act to the contrary notwithſtanding.

All buildings within a certain part of the city of New-York to be made of brick or ſtone.

And ſhall be covered with tiles or ſlates, except the flat roofs.

Roofs and ſteeples of public buildings excepted.

And be it further enacted, That if any dwelling-houſe or other building whatſoever, ſhall be erected or roofed contrary to this act, the proprietor or proprietors thereof, ſhall for every ſuch offence, forfeit and pay ſum of

Penalty on the proprietor or builder of any houſe contrary to this act.

two hundred and fifty dollars, and the ſaid dwelling-houſe or other building ſhall be liable to and chargeable with double taxes, during ſo long a time as ſuch dwelling-houſe or other building ſhall ſo continue, and the workmen who ſhall build or roof ſuch dwelling-houſe, or other building contrary to this act, ſhall for every ſuch offence forfeit and pay the ſum of one hundred and twenty-five dollars, which ſaid forfeitures ſhall be recovered with coſts of ſuit in any court of record within this ſtate, by any perſon or perſons who will ſue or proſecute for the ſame to effect, the one moiety or half part of the ſame to the perſon or perſons ſo proſecuting, and the other moiety when recovered, to the treaſurer or chamberlain of the ſaid city, for the uſe of the poor thereof.

CHAP. C.

An ACT *to encourage the Deſtroying of Wolves and Panthers.*

Paſſed the 3d day of April, 1797.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That from and after the paſſing of this act, every perſon who ſhall actually take and kill a wolf or wolves, panther or panthers, in any of the counties of this ſtate, ſhall have and receive for every wolf or panther ſo taken and killed, the ſum of ten dollars, to be paid by the county treaſurers reſpectively, as ſhall be directed by this act.

A premium of ten dollars to be given for every wolf or panther killed.

And be it further enacted, That before any perſon or perſons ſhall be intitled to receive the reward allowed by this act, he or they ſhall carry the head or heads of ſuch wolf or wolves, panther or panthers, together with the entire ſkin thereon, to any juſtice of the peace, or any ſuperviſor dwelling in the county in which ſuch wolf or wolves, panther or panthers ſhall have been killed and taken, and the ſaid juſtice or ſuperviſor ſhall be and is hereby directed, empowered, and required, to adminiſter to every ſuch perſon an oath in the words following, viz. "You do ſwear that the wolf or panther, the head whereof you now produce to me, was taken and killed within the county of " And after the taking of ſuch oath, the ſaid juſtice or ſuperviſor ſhall and is hereby empowered and required to give a certificate thereof to ſuch perſon or perſons as having ſo ſworn as aforeſaid, and ſuch juſtice or ſuperviſor for adminiſtering ſuch oath and giving a certificate thereof, ſhall receive no fee or reward; and the ſaid juſtice or ſuperviſor in giving ſuch certificate, ſhall therein mention the name or names of ſuch perſon or perſons as have ſo ſworn, that he or they had actually taken and killed ſuch wolf or wolves, panther or panthers, within the county where the ſame ſhall by the oath aforeſaid appear to have been taken and killed, and ſuch juſtice or ſuperviſor ſhall cut off and deſtroy the ears of every ſuch wolf or panther for which ſuch certificate ſhall be granted, and ſuch certificate being produced to the ſuperviſors of the county, the ſaid ſuperviſors ſhall allow to ſuch perſon as ſhall produce ſuch certificate all ſuch ſum or ſums of money as ſhall appear to be allowed to him by this act, and the ſaid reward ſhall be a county charge, and aſſeſſed, raiſed and levied together with the other neceſſary and contingent charges of the county.

Perſons killing the ſame to take the head and ſkin of it to a juſtice of the peace or ſupervifor.

Supervisors to cause any monies so become due to be paid into the county treasury.

And be it further enacted, That the supervisors of the respective counties in which any wolf or panther shall be killed, shall and are hereby empowered, required and directed to order the aforesaid sum or sums of money by this act become due, to be paid to the county treasurer, and the same county treasurer shall pay the same as shall be ordered by the said supervisors to such person or persons, his or their assigns as shall have taken and killed such wolf or wolves, panther or panthers.

How any Indian or slave who shall kill a wolf or panther is to have the reward paid.

And be it further enacted, That every Indian or slave who shall have actually taken and killed any wolf or wolves, panther or panthers within any of the counties of this state, and shall carry the head or heads thereof with the entire skin thereon to any justice or supervisor of the county wherein such wolf or wolves, panther or panthers shall be taken and killed, and bring evidence or give such reasons as shall be satisfactory to the said justice or supervisor that such wolf or wolves panther or panthers was or were taken and killed within said county where such justice or supervisor was appointed or chosen, then and in such case such justice or supervisor is hereby empowered, required and directed to give a certificate to the master or mistress of such slave, or to such Indian, in the same manner and form as is herein directed to be given, and such master or mistress or Indian shall be entitled to and receive the same reward or rewards as by this act is given in such cases as aforesaid.

And be it further enacted, That the act, entitled "an act to encourage the destroying of wolves and panthers, passed the 3d day of April, 1790, be and the same is hereby repealed.

CHAP. CI.

An ACT *to amend an Act, entitled, an Act for the better Settlement and Relief of the Poor.*

Passed the 3d day of April, 1797.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That every master of any ship or other vessel who shall enter the same in the custom-house in the city of New-York, shall within twenty four hours after his arrival make a report in writing on oath to the mayor of the said city, or in case of his sickness or absence to the recorder of the said city, for the time being, of the name and occupation of every person who shall be brought into port in his said ship or other vessel, and in case of neglect the master of such ship or other vessel shall forfeit the sum of fifty dollars for every person so neglected to be reported. And if any person so neglected to be reported to the mayor or recorder of the said city as aforesaid shall be a foreigner, the master of such ship or other vessel so neglecting to make report as aforesaid shall forfeit the sum of seventy five dollars for every foreigner so neglected to be reported: and if any householder shall entertain in his or her house or family any such foreigner, and not report the same to the mayor, or in case of his sickness or absence to the recorder of the said city for the

Every master of a vessel entering the same in the custom house of New-York to report to the mayor the name and occupation of every person on board his vessel, or in case of neglect to forfeit 50 dollars for each person and a foreigner 75 dollars.

And every householder keeping such foreigner in his house without reporting him to forfeit ten dollars.

time being, within twenty four hours after he or ſhe ſhall receive ſuch foreigner into his or her houſe, or family, he or ſhe ſhall forfeit the ſum of ten dollars, which ſaid reſpective forfeitures ſhall and may be recovered by action of debt, with coſts of ſuit, in any court having cognizance thereof, by any perſon who ſhall ſue and proſecute for the ſame to effect, the one half of which forfeitures when recovered to be paid to the chamberlain of the ſaid city for the uſe of the mayor, aldermen and commonalty of the city of New-York.

Every maſter of a veſſel arriving in New-York with emigrants to enter into bond before he lands them that he will indemnify the city from any charges in ſupporting them.

And be it further enacted, That every maſter of any ſhip or other veſſel who ſhall after the fifteenth day of May next, arrive at the city of New-York, with emigrants from any foreign country, he ſhall previous to the landing of any ſuch emigrants give a bond to the mayor, recorder and aldermen of the ſaid city of New-York, with two ſufficient ſureties, to be approved of by the ſaid mayor, recorder and aldermen, conditioned to indemnify and ſave harmleſs the ſaid city of New-York from all and every expence and charge which ſhall or may be incurred for the ſupport and maintenance of any ſuch perſon ſo imported, as the mayor, or in his abſence or ſickneſs, the recorder of the ſaid city for the time being ſhall deem likely to become chargeable to the ſaid city; and if any maſter of any ſhip or other veſſel ſhall ſuffer or permit any ſuch emigrant to land previous to giving ſuch bonds as aforeſaid, every ſuch maſter ſhall forfeit and pay to the mayor, aldermen and commonalty of the city of New-York the ſum of five hundred dollars for each and every ſuch perſon whom he ſhall permit or ſuffer to land, and for whom he ſhall neglect or omit to give ſuch ſecurity as aforeſaid, the ſaid penalty to be recovered by the mayor, recorder and aldermen, or any one of them, in his own name, by action of debt in any court of record in this ſtate, to be applied when recovered to the ſupport and maintenance of the poor of the ſaid city of New-York.

And if any of them ſhall be permitted to land without ſuch bond, maſter to forfeit 500 dollars for each perſon ſo permitted to land.

CHAP. CII.

An ACT *authoriſing the Mayor, Aldermen, and Commonalty of the City of Albany, to raiſe a Sum by Tax for defraying the Expence of Lighting the Lamps, and for the ſupport of a Night Watch in the ſaid City.*

Paſſed the 3d day of April, 1797.

WHEREAS the mayor, aldermen and commonalty of the city of Albany, have by their petition requeſted a law, authoriſing them to raiſe the ſum of eight hundred pounds for the defraying the expence of lighting lamps, and for the ſupport of a night watch in the ſaid city: Therefore,

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall and may be lawful to and for the ſaid mayor, aldermen and commonalty, in common council convened, as ſoon as conveniently may be after the paſſing of this act, to order the raiſing a ſum, not exceeding two thouſand dollars, by a tax on the eſtates, real and perſonal, of all and every the freeholders and inhabitants within the ſaid city, reſiding within half a mile weſtward of Hudſon's River, to be applied to the payment of ſo many watchmen as the ſaid mayor, aldermen

and commonalty have employed, or shall think necessary to employ, for guarding the said city, for one year, and for defraying the expence for one year of lighting the lamps that now are, or within the period aforesaid, may be erected within the said city; which said sum shall be rated and assessed by the assessors of the said city for the time being, and levied and collected in the same manner as hath heretofore been accustomed within the said city for levying and collecting the tax for the maintenance of the poor, and other contingent charges within the said city, and that the tax shall be paid into the hands of the chamberlain of the said city for the time being, to be applied and disposed of from time to time in such manner for the purposes herein before mentioned, as the said mayor, aldermen, and commonalty of the said city in common council convened shall direct and appoint.

And be it further enacted, That the chamberlain of the said city for the time being, shall publish as soon as conveniently may be, a state of all monies received and expended by virtue of this act, in one or more of the public newspapers printed in the city of Albany.

CHAP. CIII.

An ACT *for laying out part of Lot number One in the Town of Hannibal, in the County of Onondaga, into Lots, and for other purposes therein mentioned.*

Passed the 3d day of April, 1797.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the surveyor general, as soon as may be after the passing of this act, shall lay out so much of lot number one in the town of Hannibal, in the county of Onondaga, adjoining the Oswego river where it empties into lake Ontario, as he shall think necessary and proper, not exceeding one hundred acres, into proper streets and house lots, and so as to form in the most convenient place a public square or market place, all the principal streets to be one hundred feet wide, and the cross streets shall be sixty feet wide, all the house lots to be laid out sixty-six feet front and rear, and two hundred feet in depth, and the lots for all public buildings to be reserved on the square.

Surveyor general to lay out 100 acres of lot no. 1. in the town of Hannibal.

And be it further enacted, That the surveyor general, as soon as may be after he shall have laid out said lots as aforesaid, shall make a regular descriptive map thereof, the number of the lots and streets thereon, and deliver a copy thereof to the legislature at their next session, and keep one in his own office, for the inspection of any person wishing to see the same.

Surveyor general to make a map thereof, and deliver a copy to the legislature.

And be it further enacted, That the surveyor general, shall give notice of the time and place of sale of the lots of lands hereafter directed to be sold by advertisements in one of the newspapers printed in the city of Albany, in Whitestown, in Geneva, and in the newspaper printed by the printer to this state, at least two months previous to the day of sale.

And to notify the time and place of the sale of said lots.

And be it further enacted, That it shall and may be lawful for the person administering the government of this state, to reserve for public uses such and so many of the said lots as he shall judge proper, and the surveyor

Governor to reserve for public use as many lots as he may think proper.

general, after having given notice as aforeſaid, ſhall ſell ſuch and ſo many of the reſidue of the ſaid lots as the perſon adminiſtering the government of this ſtate ſhall approve, not exceeding thirty, by public vendue, in the city of Albany, and pay within forty days the monies ariſing therefrom into the treaſury of this ſtate. *Provided*, That no ſuch lot ſhall be ſold for leſs than ſixty dollars.

Purchaſe money when to be paid.

And be it further enacted, That one-fourth of the purchaſe money ſhall be paid within forty-eight hours after the time of ſale, and the remainder in twelve months thereafter.

Certificates of purchaſe to be given to purchaſers.

And be it further enacted, That it ſhall be lawful for the ſurveyor general, and he is hereby required to grant to the purchaſers of lots, certificates of their purchaſes, and receipts for the money paid, which certificates ſhall entitle them to a deed or deeds, on their paying the reſidue of the purchaſe money within the time limited by this act, but in caſe of failure in the payment of the ſaid reſidue of the purchaſe money within the time limited by this act, then the firſt payment is hereby declared forfeited, and the perſon purchaſing ſhall have no claim whatſoever, and the better to enable the ſurveyor general to perform the duties enjoined on him by this act, the treaſurer of this ſtate is hereby required to pay to him out of any money not otherwiſe appropriated, not exceeding the ſum of five hundred dollars, which ſum the ſurveyor general ſhall account for with the comptroller of this ſtate.

If the whole of the purchaſe money is not paid within the limited time, the firſt payment to be forfeited.

Treaſurer to advance ſurveyor general 500 dollars.

And be it further enacted, That ſo much of the ſaid lot number one, in the ſaid town of Hannibal in the county of Onondaga, as ſhall be laid into lots as aforeſaid, ſhall be known and called for ever thereafter by the name of Oſwego.

CHAP. CIV.

An ACT *for the Payment of certain Officers of Government, and other contingent Expences.*

Paſſed the 3d day of April, 1797.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the treaſurer of this ſtate ſhall pay on or before the firſt day of July next, to Simeon de Witt, ſurveyor general of this ſtate, the ſum of twelve hundred and fifty dollars, for his ſervices in his ſaid office, from the firſt day of July laſt to the firſt day of July next. *Provided nevertheleſs*, That the ſaid Simeon de Witt ſhall account with the comptroller of this ſtate, and pay into the treaſury all the fees which he may have received or ſhall receive, as ſurveyor general, during the time above mentioned, and which have not been yet accounted for and paid.

Treaſurer to pay Simeon de Witt 1250 dollars for his ſalary, and ſaid de Witt to account for fees.

And be it further enacted, That the treaſurer ſhall be and is hereby directed to pay to John Morton, printer to this ſtate, ſuch ſums of money as ſhall be certified by the comptroller of this ſtate to be due to him for printing the laws and journals of the preſent ſeſſion of the legiſlature, and other printing buſineſs that ſhall appear to be done by the ſaid John Morton, agreeable to and in purſuance of the concurrent reſolution of the legiſlature of

To John Morton ſtate printer, ſuch ſum as ſhall be certified by the comptroller to be due to him.

the twentieth day of January, one thouſand ſeven hundred and ninety-ſix, and of the concurrent reſolution paſſed the preſent ſeſſion of the legiſlature, and in full for his ſervices as printer to this ſtate, from the firſt day of July laſt to the firſt day of July next.

To David Van Horne, adjut. general, 1500 dollars.

And be it further enacted, That the ſaid treaſurer ſhall pay unto David Van Horne, adjutant general of the militia of this ſtate, at and after the rate of fifteen hundred dollars, for his ſervices in the ſaid office, from the firſt day of July laſt to the firſt day of July next.

To the clergy who attended the legiſlature as chaplains, two dollars and an half per day.

And be it further enacted, That the ſaid treaſurer ſhall pay to ſuch of the clergy as ſhall have attended the legiſlature as chaplains during the preſent ſeſſion, the ſum of two dollars and an half each, for every day of their attendance for that purpoſe, and the ſums due to them reſpectively, ſhall be certified by the preſident of the ſenate, and the ſpeaker of the aſſembly, in like manner as for the members of the legiſlature.

To the joint committee for canvaſſing ballots, the like compenſation as is allowed to members of the legiſlature.

And be it further enacted, That the ſaid treaſurer ſhall pay to each member of the joint committee of the ſenate and aſſembly, appointed at the preſent ſeſſion of the legiſlature, to canvaſs the ballots to be taken at the next election for ſenators for this ſtate, for every day they ſhall reſpectively attend, or are travelling to or from their reſpective places of abode, for the purpoſe of attending on ſuch canvaſs, the like compenſation as is allowed by law to members of the legiſlature for their ſervices during the preſent ſeſſion.

To the members of the legiſlature, and their officers the like compenſation as was allowed the laſt ſeſſion.

And be it further enacted, That the treaſurer of this ſtate be, and he is hereby authoriſed and required to pay to the preſident of the ſenate, the ſpeaker of the aſſembly, the members of the legiſlature, and the officers belonging to each houſe, for their attendance at the preſent ſeſſion, the like compeſation as was by law allowed to the preſident of the ſenate, the ſpeaker of the aſſembly, the members of the legiſlature, and the officers belonging to each houſe at the laſt ſeſſion, and that each officer ſhall be allowed compenſation for travelling at the ſame rate as members of the legiſlature are allowed.

To the door keeper to the councils of reviſion and appointment the like compenſation as to the doorkeepers of the Senate and aſſembly.

And be it further enacted, That the door keeper and meſſenger to the council of reviſion and council of appointment ſhall receive the like compenſation per day for his ſervices as is allowed in and by this act to the doorkeepers of the ſenate and aſſembly, and the ſaid treaſurer ſhall and he is hereby authoriſed and required to pay the ſame, on the certificate of the ſecretary of this ſtate, or his deputy.

Additional ſums allowed to the officers of government, beyond their ſtated ſalaries.

And be it further enacted, That from the firſt day of July laſt to the firſt day of July next there ſhall be allowed to the ſeveral officers of government hereafter mentioned, in addition to the annual ſalaries now allowed them and each of them reſpectively in and by the ſaid act entitled "An act for the ſupport of government," the following ſums to wit: To the perſon adminiſtering the government of this ſtate the ſum of twelve hundred and fifty dollars in addition to the ſum ſtipulated and allowed in and by the ſaid act; to the chancellor the ſum of ſix hundred and twenty five dollars in addition to the ſum ſtipulated and allowed in and by the ſaid act; to

To the Governor 1250 dollars.

To the chancellor 625 dollars.

To the chief juſtice 625 dollars.

To the other judges each the ſum of 625 dollars.

To the treaſurer the ſum of 500 dollars.

To the ſecretary of the ſtate 575 dollars.

the chief juſtice the ſum of ſix hundred and twenty five dollars in addition to the ſum ſtipulated and allowed in and by the ſaid act: to each of the other judges of the ſupreme court the ſum of ſix hundred and twenty five dollars in addition to the ſum ſtipulated and allowed in and by the ſaid act; to the treaſurer the ſum of five hundred dollars in addition to the ſum ſtipulated and allowed in and by the ſaid act; to the ſecretary of the ſtate the ſum of three hundred and ſeventy five dollars in addition to the ſum ſtipulated and allowed in and by the act for allowing an annual ſalary to the ſaid ſecretary; to the private ſecretary of the perſon adminiſtering the government of this ſtate the ſum of two hundred and fifty dollars in addition to the ſum ſtipulated and allowed in and by the ſaid act for the ſupport of government—all which ſaid additional ſums ſhall be paid by the ſaid treaſurer in manner and form as is directed in and by the ſaid act entitled an act for the ſupport of government.

To the private ſecretary to the governor, 250 dollars.

To Rob. Hunter, 125 dollars.

And be it further enacted, That the ſaid treaſurer ſhall pay to Robert Hunter, commiſſary of military ſtores, for his ſervices in the ſaid office for one year from the firſt day of July laſt to the firſt day of July next, the ſum of one hundred and twenty five dollars.

To the perſons appointed as electors to elect a Preſident and Vice Preſident of the United States, four dollars per day.

And be it further enacted, That the ſaid treaſurer ſhall pay to the perſons nominated and appointed, and who ſerved as electors in this ſtate for the election of a preſident and vice preſident of the United States of America, and who met for ſuch purpoſe in the month of December laſt at the city of Hudſon, the ſum of four dollars per day for every day they reſpectively ſhall or may have been engaged in the diſcharge of the duties required of them as electors as aforeſaid, and the further ſum of four dollars as a compenſation for every twenty miles of the diſtance from their reſpective places of reſidence to the city of Hudſon, both for travelling to and returning from the ſaid city of Hudſon, upon the ſaid electors reſpectively preſenting an account ſpecifying the ſaid number of days and miles diſtance to the comptroller of this ſtate, who is thereupon hereby authorized to give an order on the ſaid treaſurer for ſuch ſum as ſhall be ſo ſpecified.

To Jaſper Hopper deputy ſecretary, two dollars per day.

And be it further enacted, That the treaſurer of this ſtate pay to Jaſper Hopper, deputy ſecretary of the ſtate, for his attendance at the city of Albany during the preſent ſeſſion of the legiſlature, at and after the rate of two dollars for every day he ſhall have ſo attended, and like compenſation per day for travelling to and from his place of abode.

To George Lyon 30 dollars.

And be it further enacted, That the ſaid treaſurer ſhall pay to George Lyon, late deputy clerk of the houſe of Aſſembly, the ſum of thirty dollars for two days attendance on the houſe of aſſembly in November laſt, and for his ſervices then rendered as deputy clerk as aforeſaid, and for travelling to and from his place of abode to the city of New-York.

To Ephraim Van Veighten, ſeventy one dollars.

And be it further enacted, That the ſaid treaſurer ſhall pay to Ephraim Van Veighten, the ſum of ſeventy-one dollars and ſix cents, being for his ſervices, and expences

as deputy ſerjeant at arms for going to and returning from the county of Tioga, for the purpoſe of ſummoning witneſſes to attend the committee of privileges and elections of the houſe of aſſembly on the memorial of Benjamin Hovey, by the order and directions of the ſaid committee.

To the inſpectors appointed in purſuance of an act making alterations in the criminal law of this ſtate, and for erecting ſtate priſons a ſum not exceeding 8000 dollars, to be applied to the cloathing and maintaining offenders confined in priſon under ſaid act.

And be it further enacted, That the treaſurer of this ſtate ſhall from time to time, on the warrants of the comptroller of this ſtate, pay to the order of the board of inſpectors appointed or to be appointed in purſuance of the act entitled, "An act making alterations in the criminal law of this ſtate, and for erecting ſtate priſons," out of any monies in the treaſury not otherwiſe appropriated, the ſum or ſums mentioned in ſuch warrants, to be by them applied to the maintenance, cloathing and ſupport of ſuch offenders who have been or may hereafter be convicted of any of the offences deſcribed in the aforeſaid act, and are now or may be hereafter confined in any of the gaols of the reſpective cities and counties of this ſtate, and ſentenced or to be ſentenced by the juſtices or court giving judgment upon ſuch convictions to impriſonment in either of the ſtate priſons directed to be built and erected in and by the aforeſaid act. *Provided*, That ſuch ſum or ſums of money ſhall not in the whole exceed the ſum of eight thouſand dollars. And further that the ſaid inſpectors ſhall pay to the order of the ſuperviſors of the ſeveral counties reſpectively for the purpoſe aforeſaid, ſuch ſums of money as the ſaid inſpectors ſhall judge proper, on auditing the accounts of the ſaid ſuperviſors relative thereto.

Said inſpectors until the ſtate priſon in New York is ready to provide a building or place for the reception of ſuch priſoners confined or to be confined in the gaol of New York, and treaſurer to pay them a ſum not exceeding 3000 dollars.

And be it further enacted, That it ſhall and may be lawful to and for the ſaid board of inſpectors until the ſtate priſon in the city of New-York ſhall be built and ready for the reception of priſoners to provide ſuch ſafe and ſecure place or places, or building or buildings, as the perſon adminiſtering the government of this ſtate for the time being ſhall approve of, for the reception and impriſonment of ſuch priſoners as they ſhall think fit, and who are now or may hereafter be confined in the gaol of the city and county of New-York, and ſentenced or to be ſentenced to impriſonment by virtue of the act aforeſaid in the ſaid ſtate priſon, and to defray the expences of ſuch place or places, building or buildings, and of the ſafe keeping of ſuch convicts as may be confined therein, the treaſurer of this ſtate ſhall from time to time on the warrants of the comptroller of this ſtate, pay to the order of the ſaid board of inſpectors out of any monies in the treaſury not otherwiſe appropriated, the ſum or ſums mentioned in ſuch warrants: *Provided*, That ſuch ſum or ſums of money ſhall not in the whole exceed the ſum of three thouſand dollars.

Said place or building to provided to be conſidered for the purpoſes aforeſaid, as the ſtate priſon, until ſaid priſon is built.

And be it further enacted, That the place or places, building or buildings ſo to be provided as aforeſaid by the ſaid board of inſpectors until the ſtate priſon in the city of New-York ſhall be built and ready for the reception of priſoners, ſhall be for the purpoſes aforeſaid conſidered as the ſtate priſon in the city of New-York, and the ſheriff

of the city and county of New-York is hereby required to deliver into the cuſtody of the keeper of the ſtate priſon in the city of New-York, ſuch convict or convicts ſo confined, or which may hereafter be confined as aforeſaid in the goal of the city and county of New-York, as may for that purpoſe of him by the ſaid board of inſpectors hereafter from time to time be requeſted.

Treaſurer to pay the governor a ſum not exceeding 5 000 dollars for the purpoſes mentioned in certain concurrent reſolutions.

And be it further enacted, That the treaſurer of this ſtate ſhall from time to time, on the warrants of the comptroller of this ſtate, pay to the order of the perſon adminiſtering the government of this ſtate for the time being, out of any monies in the treaſury not otherwiſe appropriated, the ſum or ſums mentioned in ſuch warrants, to be by him applied for the purpoſes expreſſed in concurrent reſolutions of the ſenate and aſſembly of the third day of November laſt, and the ſaid treaſurer is hereby indemnified for ſuch ſums of money as have already been paid by him to the order of his excellency the governor in purſuance of the ſaid concurrent reſolutions. *Provided always*, That ſuch ſum or ſums of money already paid in purſuance of the ſaid concurrent reſolutions, and to be paid in purſuance of this act, ſhall not exceed in the whole the ſum of five thouſand dollars.

Additional allowance to be made to the attorney general, and diſtrict attornies in certain caſes, inſtead of being determined by the legiſlature, ſhall be audited by the court of exchequer.

And be it further enacted, That the additional allowance to be paid to the attorney general, and the ſeveral aſſiſtant attornies general reſpectively, for their ſervices and expences, in caſes where the attorney general hath been or ſhall be required by the perſon adminiſtering the government, or a judge of the ſupreme court, to attend any court of oyer and terminer, in purſuance of the act entitled, "An act making proviſion for the more due and convenient conducting public proſecutions at the court of oyer and terminer and general ſeſſions of the peace," inſtead of being determined by the legiſlature, ſhall be audited and aſcertained by the court of exchequer, and paid in the ſame manner as the other compenſation allowed by the ſaid act to the aſſiſtant attornies general are audited, aſcertained and paid, and that inſtead of the allowance made in and by the ſaid act for travelling, there ſhall be allowed to each aſſiſtant attorney fifteen cents a mile for going to and returning from each court he ſhall attend.

Treaſurer to pay the clerks of the ſeveral counties in this ſtate, ſuch ſums as ſhall be certified by the comptroller.

And be it further enacted, That the ſaid treaſurer ſhall from time to time pay to the clerks of the reſpective counties in this ſtate ſuch ſum or ſums of money as ſhall be certified by the comptroller of this ſtate to be due to them or either of them reſpectively, for their ſervices and expences accrued or to accrue in and about the duties required of them in and by the act entitled, "An act requiring the officers in this ſtate to take certain oaths of office."

To the governor for defraying immediate charges that may ariſe in adminiſtering the government, a ſum not exceeding 750 dollars.

And be it further enacted, That it ſhall be lawful for the treaſurer to pay to the perſon adminiſtering the government of this ſtate for the time being, to defray the immediate charges which may ariſe in and about the adminiſtering the government of this ſtate, ſuch ſum or ſums as he ſhall from time to time by warrant under his hand and the privy ſeal of this ſtate require, not exceeding in the whole the ſum of ſeven hundred and fifty dollars.

Recital, That the senate and assembly on the 11th November last passed concurrent resolutions, directing the treasurer to pay the members and their attendant officers certain compensations.

AND WHEREAS the Senate and Assembly by concurrent resolutions passed by both houses on the eleventh day of November last while in session at the city of New-York, did authorise and require the treasurer to pay unto the members of the legislature and its attendant officers, for their attendance during the meeting held at the city of New York, and for travelling to and from their respective places of abode to the said city of New-York, the like compensation as had been allowed and paid to the members of the legislature and its attendant officers at the then last session of the legislature, and that legislative provision should be made for such purpose: Therefore,

Treasurer indemnified for advances made in pursuance thereof.

BE it further enacted, That the treasurer of this state be and he is hereby indemnified for any advances made in pursuance of the foregoing concurrent resolutions, and also for any advances made by him in pursuance of the concurrent resolutions of the twentieth day of January last.

AND WHEREAS the commissioners lately appointed to make a treaty with the St. Regis Indians, engaged to the chiefs of those Indians that they would recommend to the legislature that a compensation should be made to William Grey, a white man, and their interpreter, who the said Indians had adopted and given a large tract of land, which he gave up for the purpose of completing the said treaty: Therefore,

Pay William Grey, 1000 Dollars.

BE it further enacted, That the treasurer pay unto the said William Grey the sum of one thousand dollars, out of any monies in the treasury not otherwise appropriated.

An additional sum of 300 dollars to Egbert Benson and others.

And be it further enacted, That the treasurer, in addition to the sums which he hath already advanced to the commissioners appointed to examine the claims of the Stockbridge Indians, and the commissioners appointed to treat with the Mohawk Indians in consequence of concurrent resolutions of the Senate and Assembly, pay to Abraham Ten Broeck, Egbert Benson and Ezra L'Hommedieu, the commissioners appointed to treat with the said Mohawk Indians, the further sum of three hundred dollars, to be applied by them in the execution of the several trusts and powers committed to them.

2000 dollars to the chamberlain of New-York.

And be it further enacted, That it shall be lawful for the treasurer of this state, on the first day of December next, out of the monies to arise from duties on goods sold at vendue, to pay two thousand dollars to the chamberlain or treasurer of the city of New-York, to be applied to the maintenance and support of such poor in the said city as shall not have gained any settlement in this state.

Allowance to the council of appointment.

And be it further enacted, That the members of the council of appointment shall for their attendance during the recess of the legislature be entitled to the like allowance per day and for travelling as by this act is allowed to the members of the legislature.

Pay James Fairlie 40 dollars.

And be it further enacted, That the said treasurer, shall pay to James Fairlie, clerk of the supreme court, forty dollars, in full for an additional seal procured by him by the order and for the use of the said court.

To the agents appointed in purſuance of a certain act relative to the ſupport of the Oneida, Onondaga and Cayuga Indians, ſuch ſums as ſhall be due to them

And be it further enacted, That the ſaid treaſurer ſhall pay to the agents appointed by the act entitled, "An act for the better ſupport of the Oneida, Onondaga, and Cayuga Indians and for other purpoſes therein mentioned," ſuch ſums of money as ſhall be certified by the comptroller of this ſtate to be due to them in the execution of the duties enjoined on them by law.

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